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Now in Force, in the COLONY of *VIRGINIA.*

WITH THE

TITLES of Such as are Expired, or Repealed; NOTES in the Margin, shewing how, and at what Time they were Repealed:

AND

An exact TABLE to the WHOLE.

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June 11, 1751.

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ANNO 1730.

The 3d and 4th Years of the Reign of King *George* the Second.

2.	*For inforcing the Act, intituled,* An Act for the effectual Suppression of Vice, and Restraint and Punishment of blasphemous, wicked, and dissolute Persons; and for preventing incestuous Marriages and Copulations.	118.
4.	*To prevent the malicious burning Tobacco Houses, and other Houses and Places; For taking away Clergy from certain Offenders: And for punishing Accessories to Felonies, and Receivers of stolen Goods.*	120.
7.	*For the better regulating the Payment of the Burgesses Wages.*	122.
10.	*To disable any Sheriff, or other Person, to sit as a Member of the House of Burgesses, who shall accept any Office of Profit, in this Colony, after his Election; and exempting the Members of the House of Burgesses from being made Sheriffs.*	124.
11.	*For encouraging the making of Linen Cloth.*	124.

ANNO 1732.

The 5th and 6th Years of the Reign of King *George* the Second.

3.	*For laying a Duty upon Slaves, to be paid by the Buyers.*	128.

ANNO 1734.

The 8th Year of the Reign of King *George* the Second.

2.	*For continuing an Act, intituled,* An Act for laying a Duty upon Slaves, to be paid by the Buyers.	134.

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9.	*For more effectually obliging Persons to buy and sell by Weights and Measures, according to the* English *Standard.*	135.
22.	*To oblige the Justices of* James-City, *and* York, *to levy Tobacco for certain Officers of the City of* Williamsburg.	137.

ANNO 1736.
The 10th Year of the Reign of King *George* the Second.

1.	*For laying a Duty upon Liquors imported by Land, and better securing the Duty upon Slaves; and for other Purposes therein mentioned.*	139.
2.	*To declare who shall have a Right to vote in the Election of Burgesses, to serve in the General Assembly for Counties; and for preventing fraudulent Conveyances in order to multiply Votes at such Elections.*	142.
13.	*For confirming and better securing the Titles to Lands in the Northern* Neck, *held under the Right Honourable* Thomas Lord Fairfax, *Baron of* Cameron, *in that Part of* Great-Britain *call'd* Scotland.	145.
14.	*For lessening the Allowances to Witnesses in County Courts; and altering the Method of providing for the Passage of the* Eastern-Shore *Burgesses to and from the General Assembly.*	150.

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6.	*For amending and further continuing an Act, intituled,* An Act for laying a Duty upon Slaves.	160.
11.	*For licensing Pedlars; and preventing Frauds in the Duties upon Skins and Furrs.*	162.
14.	*For the better Preservation of the Breed of Deer; and preventing unlawful Hunting.*	164.

ANNO 1742.
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2.	*For continuing the Act, intituled,* An Act for laying a Duty upon Slaves, to be paid by the Buyers.	172.

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2.	*To explain and amend an Act, intituled,* An Act for the effectual Suppression of Vice, and Restraint and Punishment of wicked, blasphemous, and dissolute Persons.	181.

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2.	*For continuing the Act, intituled,* An Act for laying a Duty upon Slaves, to be paid by the Buyers.	191.
6.	*For the better regulating and collecting certain Officers Fees, and other Purposes therein mentioned.*	192.
9.	*To explain and amend an Act, intituled,* An Act for licensing Pedlars and preventing Frauds in the Duties upon Skins and Furrs.	203.
12.	*For the Encouragement of making Salt-Petre.*	204.

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2. *Declaring Slaves to be Personal Estate; and for other Purposes therein mentioned.* 222.
3. *For the Distribution of Intestates Estates.* 223.
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5. *Directing the Manner of granting Probats of Wills, and Administration of Intestates Estates.* 229.
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7. *For establishing County Courts, and for regulating and settling the Proceedings therein.* 256.
8. *To prevent frivolous and vexatious Suits.* 262.
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12. *Declaring the Law concerning Executions; and for Relief of insolvent Debtors.* 272.
13. *Directing the Method of Trial of Criminals for Capital Offences; and for other Purposes therein mentioned.* 281.
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15. *For the better securing the Payment of Rents, and preventing the fraudulent Practices of Tenants.* 291.
16. *For the Settlement and Regulation of Ferries; and for Dispatch of Public Expresses.* 294.
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18. *For the better securing the Payment of Levies, and Restraint of Vagrants, and for making Provision for the Poor.* 303.
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42.	*For preventing Losses from Drivers passing with Horses, and Cattle, through this Colony; and for laying a Duty on Horses imported; and the more effectual preventing of Horse-stealing.*	358.
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50.	*For giving a Reward for killing Wolves.*	374.
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52.	*For continuing the Act, intituled,* An Act for reducing the Laws made for laying a Duty upon Liquors, into one Act of Assembly.	398.
53.	*For appointing a Treasurer, and other Purposes therein mentioned.*	399.
54.	*For Re-building the* Capitol, *in the City of* Williamsburg.	401.
55.	*For confirming the Grants made by his Majesty within the Bounds of the Northern* Neck, *as they are now established.*	401.
57.	*For continuing an Act, intituled,* An Act for the better regulating and Collecting certain Officers Fees, and for other Purposes therein mentioned.	402.
59.	*For altering the Method of holding Courts in the Counties of* Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta.	403.

ANNO

ANNO REGNI
CAROLI II,
Regis *Angliæ*, *Scotiæ*, *Franciæ*, & *Hiberniæ*, Decimo Tertio.

At a GRAND ASSEMBLY, summoned to be held at *James* City, the Twenty Third Day of *March*, in the Twelfth Year of the Reign of our Sovereign Lord *CHARLES* the Second, by the Grace of GOD, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord 1660: And from thence continued by Prorogation to the Twenty Third Day of *March*, 1661.

Sir WILLIAM BERKLEY, Governor.

PREAMBLE.

Reciting the Changes of Government during the Usurpation.

WHEREAS the late unhappy Distractions caused frequent Changes in the Government of this Country, and those produced so many Alterations in the Laws, that the People knew not well what to obey, nor the Judges what to punish; by which Means, Injustice was hardly to be avoided, and the just Freedom of the People, by the Uncertainty and Licentiousness of the Laws, hardly to be preserved: This Assembly taking the same into their serious Consideration, and gravely weighing the Obligations they are under to discharge to God, the King, and the Country, have, by settling the Laws, diligently endeavoured to prevent the like Inconveniencies, by causing the whole Body of the Laws to be Reviewed; all unnecessary Acts, and chiefly such as might keep in Memory our forced Deviation from his Majesty's Obedience, to be Repealed and Expunged; and those that are in Force, to be brought into one Volume: And lest any Prejudice might arise by the Ignorance of the Times from whence those Acts were in Force, they have added the Date of every Act, to the End that Courts might rightly administer Justice, and give Sentence, according to Law, for any thing happening at any Time since any Law was in Force; and have also endeavoured, in all Things, as near as the Capacity and Constitution of this Country would admit, to adhere to those excellent and often refined Laws of *England*, to which we profess and acknowledge all Reverence and Obedience; and that the Laws,

 made

A. D. 1661.

made by us, are intended by us, but as brief Memorials of that which the Capacity of our Courts is utterly unable to collect out of its vast Volumes, tho' sometimes perhaps, for the Difference of our and their Condition, varying in small Things, but far from the Presumption of contradicting any Thing therein contained. And because it is impossible to honour the King as we should, unless we serve and fear God as we ought; and that they might shew their equal Care, they have set down certain Rules to be observed in the Government of the Church, until God shall please to turn his Majesty's pious Thoughts towards us, and provide a better Supply of Ministers among us,

All Laws continued or made by this Assembly, shall be hereafter reputed the Laws of this Colony. All others repealed. *Memorandum.* The Acts here referr'd to include 138 Chapters.

BE it therefore Enacted, by the Governor, Council, and Burgesses of this Grand Assembly, That all the following Laws, continued or made by this Assembly, shall be hereafter reputed the Laws of this Country, by which all Courts of Judicature are to proceed in giving of Sentence, and to which all Persons are strictly required to yield all due Obedience; and that all other Acts, not in this Collection mentioned, be, to all Intents and Purposes, utterly abrogated and repealed; unless Suit be commenced for any Thing done in the Time when a Law, now repealed, was in Force; in which Case, the producing that Law shall excuse any Person for doing any Thing according to the Tenor thereof.

CHAP. I.

Church to be built, or Chapel of Ease.

A Church to be erected in every Parish.

BE *it Enacted,* for the Advancement of God's Glory, and the more decent Celebration of His Divine Ordinances, There be a Church decently built, in each Parish of the Country; unless any Parish as now settled, by Reason of the Fewness or Poverty of the Inhabitants, be incapable of sustaining so great a Charge: In which Case, *It is Enacted,* That such Parishes shall be joined to the next great Parish of the County; and that a Chapel of Ease be built in such Place, at the particular Charge of that Place.

Or, a Chapel.

CHAP. II.

Vestries appointed.

Duty of Vestries.

I. THAT for the making and proportioning the Levies and Assessments, for building and repairing the Churches and Chapels, Provision for the Poor, Maintenance of the Minister, and such other necessary Uses, and for the more orderly managing all Parochial Affairs,

12 Men of each Parish to be chosen a Vestry. Minister and Vestry to elect two Church-wardens yearly; and fill up Vacancies.

II. *Be it Enacted,* That Twelve of the most able Men of each Parish be, by the major Part of the said Parish, chosen to be a Vestry; out of which Number the Minister and Vestry to make Choice of Two Church-wardens yearly: As also, in case of the Death of any Vestryman, or his Departure out of the Parish, That the said Minister and Vestry make Choice of another to supply his Room.

Vestry-men to take the Oaths, *&c.*

III. *AND be it further Enacted,* That none shall be admitted to be of the Vestry, that doth not take the *(a)* Oaths of Allegiance and Supremacy to his Majesty, and subscribe to be conformable to the Doctrine and Discipline of the Church of *England*.

(a) Repealed by the Statute 1 *W. & M.* c. 1. and other Oaths substituted in the Place of them; See Statute.

CHAP. III.

Glebes to be laid out. REP.

Repealed, Ch. 11, 1696. & C. 6, 1727.

CHAP.

A. D. 1661.

CHAP. IV.

Ministers to be inducted. 1642.

THAT for the Preservation of Purity and Unity of Doctrine and Discipline in the Church, and the right Administration of the Sacraments, no Minister be admitted to officiate in this Country, but such as shall produce to the Governor a Testimonial, that he hath received his Ordination from some Bishop in *England*; and shall then subscribe to be conformable to the Orders and Constitutions of the Church of *England*, and the Laws there established: Upon which, the Governor is hereby requested to induct the said Minister into any Parish that shall make Presentation of him. And if any other Person, pretending himself a Minister, shall, contrary to this Act, presume to teach or preach, publickly or privately, the Governor and Council are hereby desired and impowered to suspend and silence the Person so offending; and upon his obstinate Persistence, to compel him to depart the Country, with the first Convenience, as it hath been formerly provided, by the Seventy Seventh Act, made at *James-City*, the Second of *March*, 1642.

Minister, how to be qualified.

To be inducted by the Governor.

Any other Person presuming to teach, or preach, shall be suspended, and compel'd to depart the Country.

x See post. 33[illegible]

CHAP. V.

Ministers to provide Readers. 1661.

THAT every Parish not having a Minister to officiate every *Sunday*, do make Choice of a grave and sober Person, of good Life and Conversation, to read Divine Service, every intervening *Sunday*, at the Parish Church, when the Minister preacheth at any other Place.

Readers, to be chosen by the Parish.

CHAP. VI.

Liturgy to be read.

THAT the Canons set down in the Liturgy of the Church of *England*, for celebrating Divine Service, and Administration of the Sacraments, be duly observed and kept; and that the whole Liturgy, according to the said Injunctions, be by the Minister, or Reader, at Church and Chapel, every *Sunday* thoroughly read.

Canons of the Church of *England* to be observed, and the Liturgy read every *Sunday*.

CHAP. VII.

Church Catechism.

THAT neither Minister nor Reader teach any other *Catechism* than that by the Canons appointed, and inserted in the Book of *Common-Prayer*; and that the Minister expound no other than that, that our Fundamentals, at least, may be well laid; and that no Reader, upon Presumption of his own Abilities, do attempt the expounding that or any other *Catechism*, or the Scriptures.

No other than that of the Church to be taught, or expounded.

No Reader to expound any Catechism, or Scripture.

CHAP. VIII.

Ministers to preach Weekly.

THAT the Minister of every Parish preach constantly every *Sunday*, *viz.* one *Sunday* in a Month at each Chapel of Ease in his Parish, if there be any, and the other in his Parish Church; and that twice in a Year, at least, he administer the Sacrament of the Lord's Supper there.

Ministers to preach every *Sunday*, and administer the Sacrament twice a Year.

CHAP.

A. D. 1661.

Repealed, Ch. 1, 1696. and that and all Acts relating to the Punishment of Vice and Immorality provided for, Ch. 30, 1705.

CHAP. IX.

Sundays not to be profaned. REP.

CHAP. X.

The Thirtieth of January *to be kept a Fast.*

Preamble.

WHEREAS our late Surrender and Submission to that execrable Power that so bloodily massacred the late King *Charles* the First, of ever-blessed Memory, hath made us, by acknowledging them, guilty of their Crimes: To shew our serious and hearty Repentance, and Detestation of that barbarous Act,

January 30th an annual Fast.

BE it Enacted, That the Thirtieth of *January*, the Day the said King was beheaded, be annually solemnized with Fasting and Prayers, that our Sorrows may expiate our Crime, and our Tears wash away our Guilt.

CHAP. XI.

The Twenty Ninth of May *to be kept Holy.*

Preamble.

SINCE God, of his Mercy, hath been pleased to restore our late distracted Kingdoms to Peace and Unity, and his late distressed Majesty to the Throne of his Royal Ancestors,

May 29, an annual Holy Day.

BE it Enacted, That in Testimony of our Thankfulness and Joy, the Twenty Ninth of *May*, the Day of his Majesty's Birth and happy Restoration, be annually celebrated as an Holy Day.

CHAP. XII.

Repealed. C. 32, 1748.

None to be married but by Ministers, nor by them but by Licence or publishing the Banns. REP.

CHAP. XIII.

Repealed. C. 30, 1705, & C. 2, 1730.

Churchwardens to make Presentments. REP.

CHAP. XIV.

Repealed. Ch. 43, 1748.

Burial of Servants, or Others, privately, prohibited. REP.

CHAP. XV.

Churchwardens to keep the Church in Repair, and provide Ornaments.

Church-wardens, their Power and Duty.

AND it is further Enacted, That the said Churchwardens take Care, and be impowered, during their Churchwardenships, to keep the Church in Repair, provide Books and decent Ornaments, *viz.* a great Bible, Two Common-Prayer Books, a Communion Cloth and Napkins, a Pulpit and Cushion, this present Year; and annually after, something towards Communion Plate, Pulpit Cloth, and Bell, as the Ability of the Parish will permit. And *(a)* that they the said Churchwardens do faithfully collect the Ministers Dues, cause them to be brought to convenient Places, and honestly pay them. And that of all their

(*a*) Otherwise provided by Ch. 34, 1748.

their Disbursements and Receipts, they give a true Account to the Vestry, when by them required, who are impowered, by a former Branch of this Act, *(a)* to levy the same upon the Parish, and by this, to give the Churchwardens a sufficient Discharge. *A. D.* 1661.

(a) The Legislature supposed all the Acts relating to the Church and Religion, to be one Act.

Chap. 16. *Registers to be kept by the Ministers or Readers.* R E P. Ch. 4, 1713.

17. *Licences for Marriage how to issue.* R E P. Ch. 32, 1748.

18. *Provision for a College.* Obsolete.

19. *Courts.* R E P. Ch. 6, 1748.

20. *Actions to be proportioned.* R E P. Ibid.

21. *Courts to sit from Eight to Eleven of the Clock in the Forenoon, from One to Three Afternoon.* R E P. Ibid.

22. *The Plaintiff to file his Declaration Three Days before the Day of Hearing.* R E P. Ibid.

23. *Adjournment to the last Two Days, for Determination of References, by* Advisare Volumus, *or Actions erected in Court Time.* R E P. Ibid.

24. *Criminal Causes to be tried at the General Courts.* R E P. Ibid.

25. *The Governor and Two of the Council, to go the Circuit.* R E P. Ch. 22, 1662.

26. *Appeals, how to be made.* R E P. Ch. 6, 1748.

27. *Amerciaments in the General Court Fifty Pounds of Tobacco per Cause, in County Courts Thirty per Cause.* R E P. Ch. 6. & C. 7. 1748.

28. *Subpœnas to be issued by the Clerk.* R E P. Ibid.

29. Dedimus Potestatem, *how to issue.* R E P. Ibid.

30. *Penalties for Non-appearance of Evidence.* R E P. Ibid.

31. *County Courts appointed.* R E P. Ch. 7, 1748.

32. *No Arrest without Entry of Action.* R E P. Ibid.

33. *The Defendant to put in his Answer.* R E P. Ch. 6, & C. 7. 1748.

34. *Form of Entring the Court.* R E P. Ibid.

35. *Courts not to take Cognizance of any Thing under Two Hundred Pounds of Tobacco.* R E P. Ch. 7. 1748.

36. *Private Courts prohibited.* R E P. Ibid.

37. *Trials by Juries.* R E P. Ch. 11, 1748.

38. *Grand Juries to present Offenders.* R E P. Ibid.

39. *Pillories to be erected at each Court.* R E P. Ch. 7, 1748.

40. *Fines to be disposed of by the Assembly.* Obsolete.

41. *Supersedeas, by whom, and how grantable.* R E P. Ch. 6, 1748.

A. D. 1661.

Ch. 45, 1748.	Chap. 42.	*Prisons to be built in each County.* R E P.
Ibid.	43.	*Dwellers within the Rules of any Prison, not to have any Benefit thereof.* R E P.
Ch. 10, 1748.	44.	*Sheriffs to be chosen in the Commission.* R E P.
Ibid.	45.	*Sheriffs not making Return.* R E P.
Ibid.	46.	*Sheriffs to take Bail.* R E P.
Ibid.	47.	Non eſt inventus. R E P.
Ch. 7, 1748.	48.	*Apprisement of Goods.* R E P.
Ch. 7, 1748.	49.	*No Commissioner, Clerk, or Sheriff, to be Attornies in the Court where they officiate.* R E P.
Ch. 2, 1705.	50.	*Publication of Writs for Election of Burgesses.* R E P.
Ch. 18, 1748.	51.	*Public Levies to be first paid.* R E P.
Ch. 10, 1748.	52.	*The Sheriff, upon the Instance of the Treasurer, or his Deputy, to collect the Quit-Rents.* R E P.
Ch. 21, 1748.	53.	*List of Tithables, how to be taken.* R E P.
Ibid.	54.	*What Persons are Tithable.* R E P.
Ch. 9, 1676.	55.	*Counsellors and Ten Persons to be exempted out of the Levy.* R E P.
Ch. 5, 1673.	56.	*Artificers not planting Tobacco, freed from Payment of the Levy.* R E P.
Expired.	57.	*Counsellors to raise a Levy.* E X P.
Ch. 6, 1748.	58.	*No Arrest to be made on the Sabbath Day.* R E P.
Ch. 50, 1748.	59.	*Reward for killing Wolves.* R E P.
Ch. 10, 1748.	60.	*Commissioners to take Security of Sheriffs.* R E P.
Ch. 43, 1748.	61.	*Judgment before Commissioners.* R E P.
Idem	62.	*Persons removing into the Bay.* R E P.
Ch. 9, 1734.	63.	English *Weights and Measures.* R E P.
Ch. 5, 1748.	64.	*County Courts to grant Probats and Administrations.* R E P.
Ibid.	65.	*Administrations, to whom to be granted.* R E P.
Ch. 4, 1748.	66.	*Concerning Orphans.* R E P.
Ch. 43, 1748. Ch. 4, 1748.	67.	*Orphans Land not to be alien'd.* R E P.
Obsolete.	68.	*Grants of Lands. (a)*
Ch. 1, 1748.	69.	*Deserted Lands.* R E P.

Chap.

(a) The Subject Matter of this Act is regulated by the King's Instructions, and the Orders of Government here; therefore obsolete.

A. D. 1661.

Chap. 70.	*Seating upon others Dividents.* R E P.	Ch. 43, 1748.
71.	*Not to shoot or range upon other Mens Lands.* R E P.	Ch. 1, 1748.
72.	*Lands Five Years in Possession.* R E P.	Ibid.
73.	*Against fraudulent Conveyances.* R E P.	Ibid.
74.	*Quit-rents how to be paid.* R E P.	By Proclam. Dec. 15, 1686.
75.	*Surveyors of Land.* R E P.	Ch. 19, 1748.
76.	*Land to be plainly marked, and bounded.* R E P.	Ch. 1, 1748.
77.	*What Fences shall be sufficient.* R E P.	Ch. 20, 1748.
78.	*Bounds of Lands to be every Four Years renewed, by View of Neighbourhood.* R E P.	Ch. 1, 1748.
79.	*Surveyors of Highways.* R E P.	Ch. 28. 1748.
80.	*Tobacco when to be demanded.* R E P.	Ch. 46, 1705.
81.	*Judgments and Specialties how long pleadable.* R E P.	Ch. 9, 1748.
82.	*Attornies for Business out of* England. R E P.	Ch. 6, 1748.
83.	*Burgesses.* R E P.	Ch. 2, 1705.
84.	*Burgesses ascertain'd.* R E P.	Ibid.
85.	*Burgesses Charges ascertained.*	Ibid.
86.	*Burgesses to appear upon the Day.* R E P.	Ibid.
87.	*Burgesses not to be arrested.* R E P.	Ibid.
88.	*No Order to contradict an Act.*	Unnecessary.
89.	*Assemblies to inquire after the Breach of Laws.*	Unnecessary.
90.	*Public Letters how to be convey'd.* R E P.	Ch. 16, 1748.

C H A P. XCI.

Divulgers of false News.

I. WHEREAS many idle and busy headed People, do forge and divulge false Rumours and Reports, to the great Disturbance of the Peace of his Majesty's liege People in this Colony: Preamble.

II. *BE it Enacted*, That what Person or Persons soever, shall forge or divulge any such false Reports, tending to the Trouble of the Country, he shall be, by the next Justice of the Peace, sent for, and bound over to the next County Court; where if he produce not his Author, he shall be fined two thousand Pounds of Tobacco, (or less if the Court think fit to lessen it,) and besides, give Bond for his Behaviour, if it appear to the Court that he did maliciously publish or invent it. Divulgers of false Reports to be fined, not exceeding 2000 l. Tob. and bound to good Behaviour.

A. D. 1661. These 5 Acts Repealed, Ch. 33, 1748. or obsolete.	Chap. 92.	*Chirurgeons Accounts regulated.*
	93.	*Chirurgeons Accounts pleadable after the Decease of the Party.*
	94.	*Discounts to be made in Courts.*
	95.	*Accounts against dead Men's Estates.*
	96.	*Ballancing Accounts of deceased Persons.*
Ch. 30, 1748.	97.	*Ordinary Keepers, how to sell.* REP.
Ch. 14, 1748.	98.	*Servants, how long to serve.* REP.
Ch. 32, 1748. Provided for	99.	*Against secret Marriage.* REP.
Ch. 30, 1705.	100.	*Against Fornication.* REP.
These 5 Acts Repealed, and Re-enacted in Substance, Ch. 14, 1748.	101.	*Hired Servants.*
	102.	*Runaways.*
	103.	*Cruelty of Masters prohibited.*
	104.	*Against unruly Servants.*
	105.	*Against trading with Servants.*
Ch. 46, 1705.	106.	*No Tobacco to be planted after the Tenth of* July. REP.
Ch. 24, 1748.	107.	*No Seconds or Slips.* REP.
Expired.	108.	*Improvement of Staple Commodities.*
These 3 Acts Repealed, Ch. 15, 1666.	109.	*Act for Mulberry Trees.*
	110	*Encouragement to build Vessels.*
	111.	*Tanhouses to be erected.*
Ch. 43, 1748.	112.	*Two Acres of Corn for each Tithable.*
Ch. 44, 1748.	113.	*Stray Horses,* &c. REP.
Ch. 8, 1680.	114.	*Free Trade.* REP.
Ch. 2, 1671.	115.	*Exportation of Hides.* REP.
Ch. 43, 1748.	116.	*Exportation of Money.* REP.
Ch. 46, 1705.	117.	*Size of* Virginia *Hogsheads.* REP.
Ch. 20, 1748.	118.	*Against private taking away Boats.* REP.
Useless.	119.	*Against Shooting.* EXP.
Expired.	120.	*Supply of Ammunition.* EXP.
Ch. 26. 1748.	121.	*Against exacting Millers.* REP.
Useless.	122.	*Against Exportation of* English *Goods.* EXP.
Ch. 6, 1668.	123.	*No Mares or Sheep to be exported.* REP.
Ch. 8, 1664.	124.	*Against selling of Rum, but in Places appointed.* REP.
Ch. 41, 1748.	125.	*Against stealing of Hogs.* REP.

Chap.

A. D. 1661.

Chap. 126. ~~*Masters of Ships to provide Four Months Provision.*~~ Obsolete and Useless.

127. ~~*Concerning Passes.*~~ REP. Ch. 22, 1748.

128. *Imposition of Two Shillings* per *Hogshead.* REP. Ch. 3, 1680.

129. *Every Inhabitant in* Northumberland *and* Westmoreland *Counties, to give an Account how many Hogsheads of Tobacco they made, and to whom sold.* REP. Ch. 5, 1679.

130. *Payment of Fort-duties in* Accomack, *&c.* REP. Ch. 3, 1680.

131. *Ten Shillings* per *Hogshead.* REP. Ch. 7, 1665.

132. *Castle-duties to be paid.* REP. Ch. 3, 1680.

133. *Ships to come up to* James-City. REP. Ch. 2, 1680.

CHAP. CXXXIV.

Privilege of Virginia *Owners.*

I. WHEREAS some Doubts have arisen, about the Privileges of *Virginia* Owners, and their Exemption from the Payment of the Duties of Two, and Ten Shillings per Hogshead: Preamble.

II. *BE it Enacted and Declared,* That the said Privilege is granted only to the Owners and Adventurers in such Vessels, as solely and wholly belong to the Inhabitants of this Country; and not to such Persons as are only Partners of Vessels, whose other Partners dwell in other Countries; and the Governor be Judge of such Proprieties, and certify the same to the Collectors. Declaration, who shall be held *Virginia* Owners.

Chap. 135. *A Public Notary appointed.* Expired.

136. *Acts concerning* Indians. REP. Ch. 52, 1705.

137. *Clerks Fees to be paid.* Obsolete.

138. *Interpreters made for the Country.* Expired.

Passed in the Absence of Sir William Berkley, *who was then in* England, *by,*

FRANCIS MORYSON, *Esq; Deputy Governor,*
ROBERT WYNNE, *Speaker.*

C At

A. D. 1662.

At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twenty Third of *March*, 1660, to the Twenty-Third of *March*, 1661: And thence to the Second of *December*, 1662, in the Fourteenth Year of the Reign of our Sovereign Lord CHARLES II. by the Grace of GOD, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

Ch. 10, 1748. Chap. 1. *An Act concerning Sheriffs making false Returns.* REP.

Ch. 14, 1748. 2. *An Act concerning Servants, Owners of Goods.* REP.

Ch. 43, 1748. 3. *An Act against Persons that refuse to have their Children baptized.* REP.

Ch. 6, 1748. 4. *An Act declaring how Judgments shall be passed upon a* Non est Inventus *return'd.* REP.

Ch. 43, 1748. 5. *An Act for Punishment of scandalous Persons.* REP.

Ch. 14, 1748. 6. *An Act concerning Women Servants got with Child by their Masters.* REP.

See Ch. 6, & Ch. 7, 1748. 7. *An Act for compelling Witnesses subpœna'd to deliver their Evidence upon Oath.* REP.

Ch. 14, 1748. 8. *An Act concerning Servants being the reputed Fathers of Bastard Children.* REP.

Ch. 1, 1748. 9. *An Act enjoining the recording all Conveyances made in* England, *in the Secretary's Office.* REP.

Ch. 6, and 7, 1748. 10. *An Act for Defendants in Appeals to give in Security to answer the Appeal.* REP.

Ch. 14, 1748. 11. *An Act concerning Servants brought in under Sixteen Years of Age.* REP.

Ibid. 12. *An Act for Mulatto Children, being bond or free, to serve according to the Condition of the Mother.* REP.

Ch. 21, 1748. 13. *An Act declaring Women Servants Tithable.* REP.

Ch. 33, 1748. 14. *An Act ascertaining Damages upon Bills protested.* REP.

By Proclam. 1685. 15. *An Act impowering Counties or Parishes to make Bye-laws.* REP.

Chap.

A. D. 1662.

Chap. 16.	*An Act for building a Town.*	Expired.
17.	*An Act for the Imposition of Two Shillings* per *Hogshead.* REP.	Ch. 3, 1680.
18.	*An Act concerning Castle-duties.* REP.	Ibid.
19.	*An Act imposing a Tax upon Horses.* REP.	Ch. 2, 1665.
20.	*An Act for Encouragement to build Vessels.* REP.	Ch. 15, 1666.
21.	*An Act for Handicrafts-men to pay Levies.*	Expired.
22.	*An Act repealing the Act for Itinerary Judges.* REP.	Ch. 25, 1661.
23.	*An Act concerning Hides.* REP.	Ch. 2, 1671.

This Assembly adjourn'd to the 10*th of* October 1663, *unless the Governor shall think fit to call it sooner.*

Sign'd by Sir William Berkley, *Governor,*

Robert Wynne, *Speaker.*

At

At a GRAND ASSEMBLY, held at *James* City, by Prorogation, from *December* 2, 1662, to *September* 10, 1663, and in the Fifteenth Year of the Reign of our Sovereign Lord King CHARLES the Second.

By Proclam. *May* 14, 1718. Chap. 1. *An Act prohibiting the unlawful assembling of* Quakers. REP.

Obsolete. 2. *An Act concerning the Bounds of this Colony on the* Eastern *Shore.*

Ch. 2, 1671. 3. *An Act prohibiting the Exportation of Deerskins, or Calfskins.* REP.

Obsolete. 4. *An Act prohibiting the Entertainment of* Indians *without Badges.*

Ch. 7, 1665. 5. *An Act for better Payment of the Ten Shillings* per *Hogshead.* REP.

Ch. 7, 1666. 6. *An Act concerning the Salt-work at* Accomack. REP.

Ch. 21, 1748. 7. *An Act for the exacter Discovery of concealed Tithables.* REP.

Ch. 14, 1748. 8. *An Act concerning the Pursuit of Run-aways.* REP.

Obsolete. 9. *An Act for the Half of all Fines to be paid to the Informer.*

By Proclam. *May* 14, 1718. 10. *An Act concerning foreign Debts.* REP.

Ch. 12, 1748. 11. *An Act permitting Persons under Execution to redeem their Bodies with their Estates.* REP.

Ch. 3, 1664. 12. *An Act concerning a Stint.* REP.

Expired. 13. *An Act respiting the Time for planting Mulberry Trees.*

CHAP. XIV.

An Act for keeping Holy the Thirteenth of September.

Preamble. I. WHEREAS it is evident, that certain mutinous Villains had entered into such a desperate Conspiracy, as had brought an inevitable Ruin upon the Country, had not God in his infinite Mercy prevented it:

September 13, annually to be kept Holy. II. THIS Grand Assembly, to testify their Thanks to Almighty God, for so miraculous a Preservation, *Have Enacted*, That the Thirteenth of *September*, the Day when this villainous Plot should have been put in Execution, be annually kept Holy, to keep the same in a perpetual Commemoration.

Chap.

A. D. 1663.

Chap. 15. *An Act repealing the Act of Amerciaments.* Ch. 27, 1661.

CHAP. XVI.

An Act concerning the Entertainment of Strangers.

I. WHEREAS it is frequent with divers Inhabitants of this Country, to entertain Strangers into their Houses, without making any Agreement with the Party, what he shall pay for his Accommodation; which, if the Party live, causeth many litigious Suits; and, if the Stranger die, lays a Gap open to many avaritious Persons, to ruin the Estate of the Party deceased: For Remedy whereof, for the future, Preamble.

II. *BE it Enacted*, That no Person, not making a positive Agreement with any one he shall entertain into his House, for Diet, or Storage, shall recover any thing against any one so entertained, or against his Estate; but that every one shall be reputed to entertain those of Courtesy, with whom they make not a certain Agreement. No Recovery for Diet, or Storage, unless by Agreement.

Chap. 17. *An Act concerning the* Northern *Indians.* R E P. Ch. 43, 1748.

18. *An Act prohibiting Servants going abroad without License.* R E P. Ch. 14, 1748

Enacted, That this Assembly be adjourn'd until the 20th of March 1664, *unless the Honourable the Governor see Occasion to call it sooner.*

Signed by Sir William Berkley, *Governor*,
Robert Wynne, *Speaker*.

At a Grand Assembly, held at *James* City, by Prorogation, from *September* 10, 1663, to *September* 20, 1664, and in the Sixteenth Year of the Reign of our Sovereign Lord King Charles the Second.

Chap. 1. *An Act for the Priority of Payment to the Country Creditors.* R E P. Ch. 33, 1748.

2. *An Act for Frontiers to be seated with Four able Hands.* R E P. Ch. 1, 1704.

3. *An Act for Liberty to plant.* E X P. Useless.

4. *An Act for proportioning all Actions for the Forenoon and Afternoon.* R E P. Ch. 6, 1748.

A. D. 1664.

Expired.	Chap. 5.	*An Act concerning the regulating the Secretarys Office.*
Ch. 2, 1705.	6.	*An Act for convening of the People upon Summons of the Burgeſſes to adjourned Aſſemblies.* R E P.
Ch. 3, 1748.	7.	*An Act concerning Widows Thirds.* R E P.
C. 124, 1661.	8.	*An Act repealing the Act concerning Rum.*
Ch. 6, 1748.	9.	*An Act concerning Arreſts in Court-times.* R E P.

Signed by Sir WILLIAM BERKLEY, *Governor,*
ROBERT WYNNE, *Speaker.*

At a GRAND ASSEMBLY, held at *James* City, by Prorogation, from *September* 20, 1664, to *October* 10, 1665, and in the Seventeenth Year of the Reign of our Sovereign Lord King CHARLES the Second.

Ch. 7, 1748.	Chap. 1.	*An Act impowering a Juſtice of the Peace to grant Attachments.* R E P.
Ch. 19, 1662.	2.	*A Repeal of the Act for defraying the Encouragement for killing Wolves, by a Tax upon Horſes.*
Ch. 52, 1705.	3.	*An Act prohibiting the Sale of Arms to the* Indians. R E P.
Ch. 2, 1670.	4.	*An additional Act for better reſtraining the Exportation of Hides.* R E P.
(*a*) The Laws by this Act intended to be explained, are ſince repealed.	5.	*An Act concerning the Intent of ſome former penal Acts.* (*a*)
Expired.	6.	*An Act concerning bounding of Counties and Pariſhes.*
Ch. 5, 1663.	7.	*An Act repealing the Act of Ten Shillings* per *Hogſhead.*
Ch. 52, 1705.	8.	*An Act concerning the* Indians. R E P.
Expired.	9.	*An Act concerning the building of a Fort*
Ch. 4, 1666.	10.	*An Act preparatory to a Stint or Ceſſation.* R E P.

This Aſſembly was adjourned to the 10*th of* March, 1666, *unleſs the Governor ſee Cauſe to ſummon it ſooner.*

Signed by Sir WILLIAM BERKLEY, *Governor.*
ROBERT WYNNE, *Speaker,*

At

At a GRAND ASSEMBLY, holden at *James* City, the Fifth Day of *June* 1666, and in the Eighteenth Year of the Reign of our Sovereign Lord King CHARLES the Second.

Chap. 1. *An Act for a Cessation.* Expired.

2. *An Act concerning Tenders of Tobacco.* REP. Ch. 46, 1705. Ch. 51. 1748.

3. *An Act for altering the Day of the General Court.* REP. Ch. 6, 1748.

4. *An Act for Repeal of the Act preparatory to a Stint.* Ch. 10, 1665.

This Assembly was adjourned, by Act of Assembly, to the 25th of April, 1667, *unless the Governor found Occasion to convene it sooner.*

Signed by Sir WILLIAM BERKLEY, *Governor*,
ROBERT WYNNE, *Speaker*.

At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Fifth Day of *June*, 1666, to the Twenty Third of *October* 1666, and in the Eighteenth Year of the Reign of our Sovereign Lord King CHARLES the Second.

Chap. 1. *An Act for a Cessation.* Expired.

2. *An Act shewing how Debts are to be paid the Cessation Year.* Expired.

3. *An Act for Valuation of Commodities for Payment of Public Dues.* Expired.

4. *An Act for rating of Ordinary Keepers.* REP. Ch. 30, 1748.

5. *An Act ascertaining Surveyors Fees.* REP. Ch. 19, 1748.

6. *An Act repealing the Act of Encouragement for killing Wolves.* Ch. 59, 1661.

Chap.

A. D. 1666. Ch. 6, 1663.	Chap. 7. *An Act concerning the Salt-work at* Accomack. REP.
Ch. 5, 1671.	8. *An Act prohibiting* Indians *to come into* Henrico *County.*
Ch. 39, 1748.	9. *An Act for Supply of Ammunition.* REP.
Ch. 5, 1684.	10. *An Act for setting up Looms in each County.* REP.
Ch. 14, 1748.	11. *An Act imposing a Fine for entertaining Run-aways.* REP.
Ibid.	12. *An Act concerning Servants coming in without Indentures.*
Ch. 13, 1748.	13. *An Act for Criminals to bear their own Charges of Prosecution.* REP.
Expired.	14. *An Act of Dispensation, for* Lower Norfolk *to ship their Tobacco.*
Ch. 22, 1662.	15. *An Act repealing the Acts for Encouragement.*
Ch. 26. 1748.	16. *An Act for Millers to grind according to Turn.* REP.
Ch. 20, 1748.	17. *For including Sheep into the 77th Act.* REP.
Ch. 33, 1748.	18. *An Act ascertaining Damages upon protested Bills of Exchange.* REP.
Ch. 7, 1748.	19. *An Act declaring that no Justice shall take Fee.* REP.
By Proclam. *Oct.* 24, 1711.	20. *An Act declaring what is meant by seating of Land.* REP.
Useless.	21. *An Act concerning imperfect Patents.*
Ch. 43, 1748.	22. *An Act commanding Law-Books to be provided for each County.* REP.
By the Militia Act, 1738.	23. *An Act imposing Fines on refractory Persons.* REP.
Ch. 10, 1748.	24. *An Act for the better Explanation of the 46th Act in the printed Book.* REP.

This Assembly was adjourn'd to the 12th of November, 1667.

Sign'd by Sir WILLIAM BERKLEY, *Governor,*

ROBERT WYNNE, *Speaker.*

At

At a GRAND ASSEMBLY, holden at *James* City, the Twenty Third of *September*, 1667, and in the Nineteenth Year of the Reign of our Sovereign Lord King CHARLES the Second.

Chap. 1. *An Act for Tobacco of* Maryland *Growth to be free from Duties.* — Expired.

2. *An Act declaring that Baptism of Slaves doth not exempt them from Bondage.* REP. — Ch. 14, 1748.

3. *An Act for Encouragement for erecting Mills.* REP. — Ch. 26, 1748.

4. *An Act for Roads to Houses.* REP. — Ch. 28, 1748.

5. *An Act against Exportation of Corn.* — Expired.

6. *An Act for the rating Ordinary-keepers.* REP. — Ch. 30, 1748.

7. *An Act for Forts to be built in each River.* — Expired.

Signed by Sir WILLIAM BERKLEY, *Governor*,
ROBERT WYNNE, *Speaker*.

At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twenty Third of *September* 1667, to the Seventeenth of *September* 1668, and in the Twentieth Year of the Reign of our Sovereign Lord King CHARLES the Second.

Chap. 1. *An Act for establishing a Fast.* — Expired.

2. *An Act for Dispensation of Ships riding under the Forts.* — Expired.

3. *An Act concerning Damages on Appeals.* REP. — Ch. 6, and 7, 1748.

4. *An Act about Correction of Run-aways.* REP. — Ch. 14, 1748.

5. *An Act impowering County Courts to build Workhouses, assisted by the Vestries.* REP. — Ch. 43, 1748.

6. *An Act permitting the Exportation of Horses and Mares.* — Obsolete and Useless.

A. D. 1669.

Ch. 21, 1748. Chap. 7. *An Act continuing the Tax on Negro Woman.* REP.

Ch. 43, 1748. 8. *An Act concerning the Property of Tobacco.* REP.

Ch. 30, 1748. 9. *An Act for Reſtraint of Tipling-houſes.* REP.

Memorandum. *This Aſſembly adjourn'd to the 25th of* September *next, unleſs the Governor ſee Occaſion to call it ſooner.*

At a GRAND ASSEMBLY, holden at *James* City, by Prorogation from the Seventeenth of *September* 1668, to the Twentieth of *October* 1669, and in the Twenty First Year of the Reign of our Sovereign Lord King CHARLES the Second.

C. 14. & C. 38. 1748. Chap. 1. *An Act about the caſual killing of Slaves.* REP.

Ch. 42, 1748. 2. *An Act againſt the Importation of Horſes and Mares.* REP.

Ch. 7, 1748. 3. *An Act for Re-examination of Orders in the County Courts.* REP.

Ch. 6, 1746. 4. *An Act for the Fee of a* Dedimus poteſtatem.

CHAP. V.

An Act for freeing Virginia *Owners from Caſtle-duties.*

Confirmed by Ch. 3, 1680. WHEREAS the Act for Encouragement of *Virginia* Owners, exempts them from Payment of Two Shillings per Hogſhead: *It is hereby Enacted,* That they be alſo exempted from paying the Caſtle Duties, for their greater Encouragement.

Obſolete. Chap. 6. *An Act for Encouragement to make Silk.*

Ch. 2, 1705. 7. *An Act for each County to ſend Two Burgeſſes.* REP.

Ch. 14, 1748. 8. *An Act for Encouragement to apprehend Run-aways.* REP.

Ch. 10, 1670. 9. *An Act for deſtroying Wolves.* REP.

Signed by Sir WILLIAM BERKLEY, *Governor,*
ROBERT WYNNE, *Speaker.*

At

A. D. 1670.

At a GRAND ASSEMBLY, holden at James City, by Prorogation, from the Twentieth of October, 1669, to the Third of October, 1670, and in the Twenty Second Year of the Reign of our Sovereign Lord King CHARLES the Second.

Chap. 1.	*An Act concerning Run-aways.* REP.	Ch. 14. 1748.
2.	*An Act concerning Fences.* REP.	Ch. 20, 1748.
3.	*An Act for the Election of Burgesses, and by whom.* REP.	Ch. 2, 1705.
4.	*An Act for Lists of Tithables to be published.* REP.	Ch. 21, 1748.
5.	*An Act declaring no Negroes, nor* Indians, *to buy Christian Servants.* REP.	Ch. 14, 1748.
6.	*An Act shewing how Certificates for Marriages shall issue.* REP.	Ch. 32, 1748.
7.	*An Act concerning litigious Suits.* REP.	Ch. 9, 1748.
8.	*An Act concerning Commissioners Warrants.* REP.	Ch. 7. 1748.
9.	*An Act imposing a Penalty for not returning Two Burgesses.* REP.	Ch. 2, 1705.
10.	*An Act for Repeal of the Act about Wolves.*	Ch. 9, 1669.
11.	*An Act for the better Payment of Two Shillings* per *Hogshead.* REP.	Ch. 3, 1680.
12.	*An Act declaring who shall be Slaves.* REP.	Ch. 14, 1748.

Signed by Sir WILLIAM BERKLEY, *Governor.*
ROBERT WYNNE, *Speaker.*

At

A. D. 1672.

At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Third of *October*, 1670, to the Twentieth of *September*, 1671, in the Twenty Third Year of the Reign of our Sovereign Lord King CHARLES II.

Ch. 26, 1748. Chap. 1. *An Act prohibiting Millers the taking of more than one Eighth Part of* English *Grain, Toll for grinding thereof.* REP.

C. 115, 1661. Ch. 23, 1662. 2. *An Act permitting the Exportation of Wool, Hides, and Iron.*

Ch. 30, 1748. 3. *An Act for the moderating the Rates of Liquors.* REP.

Ch. 4, 1748. 4. *An Act providing how Negroes, belonging to Orphans of Inteſtates, ſhall be diſpoſed of.* REP.

Ch. 8, 1666. 5. *An Act repealing the Act, making it Death for* Indians *coming into* Henrico *County.*

Ch. 6, 1746. 6. *An Act concerning the Sheriffs Fee for Arreſts.*

Ch. 2, 1680. 7. *An Act for Naturalization.*

Be it Enacted, *That this Aſſembly be adjourned to the 20th of* October, 1672; *as likewiſe the General Court.*

Signed by Sir WILLIAM BERKLEY, *Governor,*

ROBERT WYNNE, *Speaker.*

At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twentieth of *September*, 1671, to the Twenty Fourth of *September*, 1672, in the Twenty Fourth Year of the Reign of our Sovereign Lord King CHARLES the Second.

Expired. Chap. 1. *An Act for the Defence of the Country.*

Ch. 4, 1748. 2. *An additional Act concerning Orphans Eſtates.* REP.

Chap.

A. D. 1673.

Chap. 3. *An Act concerning Tithables born in the Country.* REP. Ch. 21, 1748.

4. *An Act limiting how long Accounts shall be pleadable.* REP. Ch. 9, 1748.

5. *An Act concerning Servants sold for the Custom.* REP. Ch. 14, 1748.

6. *An Act concerning Masters of Ships and Collectors.* REP. Ch. 3, 1680.

7. *An Act for suppressing Vagabonds, and disposing of poor Children to Trades.* REP. Ch. 43, 1748.

8. *An Act for the Apprehension and Suppression of Run-away Negroes and Slaves.* Expired. Ch. 14, 1748.

9. *An Act shewing how far Mens Notes are pleadable against their Estates, if dead.* REP. Ch. 33, 1748.

10. *An Act concerning Swamps and Marshes.* REP. Ch. 1, 1748.

11. *An Act for Naturalization of* Joshua Mulder, Henry Weedick, *and others.* Private.

Memorandum, *That this Assembly was adjourn'd until the 1st of* October *next.*
Signed by Sir WILLIAM BERKLEY, *Governor,*
ROBERT WYNNE, *Speaker.*

At a GRAND ASSEMBLY, holden at *James* City, by Prorogation, from the Twenty Fourth Day of *September*, 1672, to the Twentieth Day of *October*, 1673, in the Twenty Fifth Year of the Reign of our Sovereign Lord King CHARLES the Second.

Chap. 1. *An Act for the establishing the Dowers of Widows.* REP. Ch. 3, 1748.

2. *An Act providing for the Supply of Arms and Ammunition.* Expired.

3. *An Act for the better putting in Execution the Act for Processions.* Expired.

4. *An Act for the Advancement of the Manufactury of Flax and Hemp.* REP. Ch. 6, 1684.

5. *An Act concerning Tradesmen, and other Artificers, to pay Levies.* REP. Ch. 21, 1748.

6. *An Act permitting the Counties of the* Isle of Wight *and* Lower Norfolk, *to erect each of them a Fort.* Never put in Execution.

A. D. 1674.

Private. Chap. 7. *An Act for Naturalization of* John Peterson, Rowland Anderson, *and others.*

Memorandum. *This Assembly adjourned, to the 21st of* September *next, unless the Governor see Cause to call it sooner.*

Sign'd by Sir WILLIAM BERKLEY, *Governor,*
ROBERT WYNNE, *Speaker.*

At a GRAND ASSEMBLY, held at *James* City, by Prorogation, from the Twentieth of *October*, 1673, to the Twenty First Day of *September*, 1674, and in the Twenty Sixth Year of the Reign of our Sovereign Lord King CHARLES II.

Effected. Chap. 1. *An Act for an Address and Supplication to be made to the King's Most Excellent Majesty.* EXP.

Expired. 2. *An Act for the Continuance of Two Hundred Pounds* Sterling per Annum, *over and above the One Thousand Pounds* Sterling per Annum, *to Sir* William Berkley, *Knight, Governor.*

Ch. 6, 1648. 3. *An Act ascertaining Allowance for Evidences summoned to the General Court.* REP.

Ch. 43, 1748. 4. *An Act prohibiting the Justices of the several County Courts for levying Tobaccos upon the People, for their Accommodation and Expences whilst they are keeping Court.* REP.

Expired. 5. *An Act impowering Mr. Secretary* Ludwell, *as Notary Public, to appoint Deputies.*

Ch. 41, 1748. 6. *An Act commanding such* Indians *who keep Hogs, to mark the same.* REP.

Ch. 1, 1748. 7. *An Act impowering Feme-Coverts to make good Acknowledgment of Sales of Land.* REP.

Private. 8. *An Act ascertaining the Bounds of the Counties of the* Isle of Wight, *and* Nansemond.

Private. 9. *An Act for settling the Lands at* Green-Spring *in the Right Honourable Sir* William Berkley, *his Heirs and Assigns.*

Chap.

A. D. 1675.

Chap. 10. *An Act for settling the Lands conveyed from Sir* William Berkley, *and Dame* Frances, *his Wife, in Colonel* William Cole, *his Heirs and Assigns.* Private.

The Assembly adjourn'd 'til the 23d Day of March, 1675, *unless there shall be Occasion to call it sooner.*

Signed by Sir William Berkley, *Governor;*
Robert Wynne, *Speaker.*

At a Grand Assembly, held at *James* City, by Prorogation, from the Twenty First Day of *September*, 1674, to the Seventh Day of *March*, 1675, in the Twenty Eighth Year of the Reign of our Sovereign Lord King Charles II.

Chap. 1. *An Act for the Safeguard and Defence of the Country against the* Indians. Expired.

2. *An Act prohibiting Trade with the* Indians. REP. Ch. 52, 1705.

3. *An Act prohibiting the Exportation of Corn,* &c. Expired.

4. *An Act for the Naturalization of* Christian Peterson. Private.

This Assembly adjourned to the 5th of October *next, unless the Governor see Cause to convene it sooner.*

Signed by Sir William Berkley, *Governor.*
Augustine Warner, *Speaker.*

At

A. D. 1676.

At a GRAND ASSEMBLY, begun and holden at *James* City, the Fifth Day of *June*, 1676, in the Twenty Eighth Year of the Reign of our Sovereign Lord CHARLES II. of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

All the Acts and Orders of this Assembly were repealed by Proclamation, and also by a succeeding Assembly held this Year, Chap. 4.

Chap. 1. *An Act for carrying on a War against the barbarous* Indians.

2. *An Act concerning* Indian *Trade and Traders.*

3. *An Act concerning* Indian *Lands deserted.*

4. *An Act for suppressing of Tumults, Routs,* &c.

5. *An Act for the regulating of Officers and Offices.*

6. *An Act for chusing of Vestries.*

7. *An Act enabling Freemen to vote for Burgesses, and preventing false Returns of Burgesses.*

8. *An Act for Representatives to vote with the Justices, at Levy Courts, and making Bye-laws.*

9. *An Act for County Courts to appoint their Collectors, and disabling Counsellors to vote in County Courts.*

10. *An Act for the limiting Sheriffs,* &c. *a Time to demand the Levies, and for Tenders to be made them.*

11. *Two Justices of the* Quorum *to sign Probats,* &c.

12. *Counsellors, and Ministers Families, to pay Levies, and Money allowed them.*

13. *An Act altering the Encouragement for killing Wolves.*

14. *An Act for the further Prevention of Mischief from unruly Horses.*

15. *An Act against the Exportation of Corn.*

16. *An Act for the Suppression of Ordinaries.*

17. *An Act limiting the Bounds of* James *City.*

18. *An Act repealing Laws concerning* Accomack *and* Northampton.

19. *An Act of General Pardon and Oblivion.*

Chap.

Chap. 20. *An Act disabling* Edward Hill, *and* John Stith, *to bear Office.*

Signed by Sir WILLIAM BERKLEY, *Governor,*
THOMAS GODWIN, *Speaker.*

At a GRAND ASSEMBLY, begun at *Green Spring*, the Twentieth Day of *February*, in the Twenty Ninth Year of the Reign of our Sovereign Lord CHARLES the Second, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c. Annoq; Domini* 1676.

Chap. 1. *An Act of Indemnity and free Pardon.* REP.
2. *An Act of Attainder.* REP.
3. *An Act inflicting Pains, Penalties, and Fines, upon great Offenders.* REP.

Ch. 1, 2, & 3, were repealed by Proclam. *July* 8, 1680.

CHAP. IV.

An Act declaring all the Acts, Orders and Proceedings of a Grand Assembly, held at James City, *in the Month of* June, 1676, *void, null, and repealed.*

I. WHEREAS *Nathaniel Bacon*, the younger, in the Month of *June*, Sixteen Hundred and Seventy Six, whilst the Governor, Council, and Burgesses, were met and convened together, at a Grand Assembly, to consult the great Concerns of the Country, did enter *James* City, in a rebellious Manner, with a considerable Number of armed Men, to the Number of Six Hundred, or thereabouts, environing and besieging the Governor, Council, and Burgesses, and offering Force and Violence to them, and every of them, threatning them with sudden Death, if they would not grant his unreasonable, unlawful, rebellious, and treasonable Demands; and by his Threats, and offered Violence, did obtain to himself, whatsoever he so unlawfully demanded. And whereas, the King's Most Excellent Majesty, by his gracious Proclamation, and the Right Honourable the Governor, by his Proclamation published, hath long since declared all the Proceedings of the said Assembly, to be void in Law: Preamble.

II. *BE it therefore Enacted, by this present Grand Assembly, and the Authority thereof, and it is hereby Enacted,* That all Acts, Orders, and Proceedings of the said Grand Assembly, be Repealed, and made Null and Void. Repealing Clause.

A. D. 1676.		
By Proclam. *July* 8, 1680.	Chap. 5.	*An Act for the Relief of such loyal Persons as have suffered Loss by the late Rebels.* REP.
Ch. 36, 1748.	6.	*An Act ascertaining the Price of Cocquets.* REP.
Ch. 14, 1748.	7.	*An Act limiting Masters dealing with their Servants.* REP.
By Proclam. *June* 17, 1684.	8.	*An Act limiting Times of Receipt and Payments of Public Tobacco.* REP.
Ch. 55, 1661.	9.	*An Act repealing the Acts allowing free Tithables to divers Persons.*
Ch. 30, 1748.	10.	*An Act regulating Ordinaries and the Price of Liquors.* REP.
Expired.	11.	*An Act disposing Amerciaments upon cast Actions.*
By Proclam. *July* 8, 1680.	12.	*An Act concerning Servants who were out in Rebellion.* REP.
By Proclam. *June* 19, 1684.	13.	*An Act for the laying of Parish Levies.* REP.
	14.	*An Act repealing the Act of Encouragement for killing Wolves.*
C. 6, 7, 1748.	15.	*An Act giving Liberty of Appeals to the* Eastern *Shore People.* REP.
Expired.	16.	*An Act giving Seven Years Time to seat Frontier Lands.*
Ch. 2, 1705.	17.	*An Act regulating Burgesses Expences.* REP.
Expired.	18.	*An Act for setting apart a Day of Humiliation, and a Day of Thanksgiving.*
Private.	19.	*An Act of Naturalization for* Garret Johnson.
Expired. C. 6, & 7, 1748.	20.	*An Act for opening Courts of Judicature.*

Signed by Sir WILLIAM BERKLEY, *Governor,*
AUGUSTINE WARNER, *Speaker.*

At a GRAND ASSEMBLY, begun at *Middle Plantation*, at the House of Capt. *Otho Thorne*, the Tenth Day of *October*, 1677, in the Twenty Ninth Year of the Reign of our Sovereign Lord CHARLES the Second, of *England, Scotland, France,* and *Ireland,* King, Defender of the Faith, &c.

Ch. 11, 1748. Chap. 1. *An Act imposing Fines upon Delinquency of Grand Juries.* REP.

Chap.

A. D. 1679.

Chap. 2.	*An Act prohibiting private Compositions.*	Expired.
3.	*An Act licensing trading with* Indians. R E P.	Ch. 52, 1705.
4.	*An Act imposing Fines on Sheriffs concealing Tithables.*	Expired.
5.	*An Act ascertaining the Price of double Patents.* R E P.	Ch. 6, 1746.
6.	*An Act for the Imposition of Two Shillings on every Five Hundred Pounds Bulk Tobacco.* R E P.	Ch. 3, 1680.
7.	*An Act for Delivery of Stray Horses,* &c. R E P.	By Proclam. *July* 8, 1680.
8.	*An Act restraining the Impress of Timber,* &c. R E P.	Ch. 39, 1748.
9.	*An Act settling the Form of Patents.*	Expired.
10.	*An Act ascertaining Coroners Fees.* R E P.	Ch. 6, 1746.
11.	*An Act declaring the Year* 1676 *to be out of the Statute of Limitations.*	Expired.
12.	*An Act for signing Executions on Judgments in the Assembly.* R E P.	By Proclam. *June* 19, 1684.

This Assembly was dissolved.

Signed by HERBERT JEFFREYS, *Governor*;
WILLIAM TRAVERS, *Speaker*.

At a GRAND ASSEMBLY, begun at *James* City, the Twenty Fifth Day of *April*, 1679, and in the Thirty First Year of the Reign of our Sovereign Lord King CHARLES II.

Chap. 1.	*An Act for the Defence of the Country against the Incursions of the* Indian *Enemy.*	Expired.
2.	*An additional Act for better preventing stealing of Hogs.*	Repealed, Ch. 41, 1748.
3.	*An additional and declaratory Law impowering County Courts to make Bye-laws.* R E P.	By Proclam. 1685.
4.	*An Act declaring how far Accounts are pleadable against dead Mens Estates.* R E P.	By Proclam. *April* 15, 1730. C. 8, & 9, 1748.
5.	*An Act repealing the* 129*th Act of Assembly in the printed Book.*	Ch. 129, 1661.
6.	*An Act ascertaining Collectors Fees for Entry and clearing Ships,* &c. R E P.	Ch. 36, 1748.

Chap.

A. D. 1680.

Ch. 4, 1748. Chap. 7. *An Act for securing Orphans Estates.* REP.

Ch. 5, 1705. 8. *An Act prohibiting the Importation of Tobaccos into this Colony.* REP.

Expired. 9. *An Act forbidding* Maryland *Vessels trading into this Colony without making due Entry.*

Private. 10. *An Act for the Naturalization of* Abraham Vinckler, John Michael, Jacob Johnfon, John Primmet, *and* John Hexton.

Private. 11. *An Act enabling Major* Laurence Smith, *and Capt.* William Bird, *to feat certain Lands at the Heads of* Rappahanock *River, and* James *River.*

The Assembly dissolved.

Signed by Sir HENRY CHICHELEY, *Governor,*
MATTHEW KEMP, *Speaker.*

At a GENERAL ASSEMBLY, begun at *James* City, the Eighth Day of *June*, 1680, in the Thirty Second Year of the Reign of our Sovereign Lord King CHARLES II.

CHAP. I.

(a) An Act of free and general Pardon, Indemnity, and Oblivion.

Preamble, reciting *Bacon's* Rebellion, *Anno* 1676.

I. THE King's Moft Excellent Majefty, having taken into his ferious and gracious Confideration, the prefent State and Condition of his Colony of *Virginia*, and reflecting on the late Rebellion raifed there by *Nathaniel Bacon*, Junior, deceafed, his Complices and Abettors, and how many of his good Subjects were drawn into the fame, and feduced from their Allegiance, by the fpecious Pretences fet forth by the faid *Nathaniel Bacon*; who have fince, by their dutiful Behaviour, fhewed themfelves fenfible thereof, and repenting for the fame; and to the Intent, that no Crime whatfoever, committed againft his faid Majefty and Government, may hereafter rife in Judgment, or be brought in Queftion againft any of them, to their leaft Endamagement, either in Lives, Liberties, or Eftates, or to the Prejudice of their Reputations, by any Reproach, or Term of Diftinction; and to turn all Seeds of future Difcord, and the Remembrance thereof, into utter Oblivion, as well in his Majefty's own Breaft, as in the Breafts of his Majefty's Subjects, one towards another; and out of an earneft Defire to put an End to all Suits, Quarrels, and Controverfies whatfoever, that, by Occafion of the faid

(a) *Memorandum.* That this Act was brought over by the Lord *Culpeper*, under the Great Seal of *England*, with full Power to give the Royal Affent to it; and paffed the Affembly unanimoufly, as appears by the Lord *Culpeper*'s Speech, and the Journal of the Houfe of Burgeffes, *Anno* 1680.

Rebellion

Rebellion and late Distractions, have arisen, and may arise, between any of his Majesty's Subjects. And in Pursuance of his gracious Proclamation of Pardon, bearing Date the Twenty Seventh Day of *October*, Sixteen Hundred Seventy Six, and in the Twenty Eighth Year of his Reign, is graciously pleased, that it may be Enacted.

A. D. 1680. Proclamation of Pardon, *Oct.* 27, 1676.

II. *AND be it Enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly*, That all, and all Manner of Treasons, Misprision of Treasons, Murders, Felonies, Crimes, and Misdemeanours, committed, acted, counselled, or done, by any Person or Persons whatsoever, upon, or at any Time before the Sixteenth Day of *January*, Sixteen Hundred Seventy Six, in the Twenty-Eighth Year of his Majesty's Reign, other than the Persons hereafter excepted, in such Manner as they are excepted, by Virtue or Colour of any Command, Power, Authority, Warrant, Commission, or Instructions, from Sir *William Berkeley*, late Governor of *Virginia*, deceased, or of or from any Person or Persons deriving, or pretending to derive, mediately or immediately, any Commission, Power or Authority from the Grand Assembly in *Virginia*, held in *June*, Sixteen Hundred Seventy Six; or of or from *Nathaniel Bacon*, Junior, deceased, assuming unto himself the Authority of, or reputed to be Commander in Chief of all the Forces in *Virginia*, by Land or Sea, or from any other Person or Persons deriving, or pretending to derive, any Authority from them, any, or either of them, be pardoned, released, discharged, and put in utter Oblivion, and that as firmly and fully, to all Intents and Purposes, as if they, or every of them, had been herein particularly named and expressed.

All Treasons &c. before 16 *January*, 1676, pardoned.

Exceptions.

III. *AND be it further Enacted, by the Authority aforesaid*, That all and every such Person and Persons, their and every of theirs Heirs, Executors, and Administrators, except as hereafter excepted, that were actually engaged in aiding, acting, advising, assisting, abetting, or counselling the said Rebellion, shall have and enjoy all and every their Lands, Tenements, Hereditaments, Goods, and Chattles whatsoever, forfeited to his Majesty, his Heirs, and Successors, for any of the Crimes aforesaid, in the same Manner, and as freely to all Intents and Purposes, as if they had not been forfeited; yet so, that they, and every of them, and their Estates, Real and Personal, shall be subject and liable to pay all and singular their just Debts, in the same Manner, as if they had committed no Rebellion, Crimes, or Offences:

All Persons engaged in the Rebellion, restored to their Estates Real and Personal;

Yet liable to Payment of their Debts.

IV. EXCEPT, and always foreprised out of this Act, the above named *Nathaniel Bacon*, Junior, the principal Contriver, Beginner, and Maintainer of the said Rebellion; who having taken up Arms, under Pretence of an *Indian* War, assumed unto himself, the Title of General, and did afterwards chase away the then Governor, there rob, kill, and continued to destroy several other of his Majesty's loyal Subjects that refused to take the detestable Oaths imposed by the said *Bacon*, until it pleased the Almighty to send him, the said *Bacon*, an infamous and exemplary Death, whereby he hath escaped the Punishment in this World so justly due to his Person:

Nathaniel Bacon, Jun. excepted out of this Act.

V. *BE it therefore Enacted, and it it hereby Enacted, by the Authority aforesaid*, That the said *Nathaniel Bacon*, Junior, shall be, by Virtue of this Act, and is hereby adjudged to be convict and attainted of High-Treason, to all Intents and Purposes, as if he had been convict or attainted thereof, by due Course of Law, in his Life-time; and that all the Estate, Real and Personal, whereof he was seised or possessed upon the Fifth Day of *June*, Sixteen Hundred Seventy Six, or at any Time after, within the Colony of *Virginia*, shall be forfeited to the King's Majesty, his Heirs and Successors; and it is hereby declared to be vested in his Majesty, his Heirs and Successors; without any Office or Inquisition thereof to be hereafter taken or found.

And attainted of High-Treason.

Forfeits all his Estate.

A. D. 1680.

Other Persons, and their Estates, excepted out of this Act.

VI. *PROVIDED always, and be it Enacted*, That this Act, nor any Thing therein contained, shall extend to pardon, discharge, or give any other Benefit whatsoever, unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomfrey*, *John Isles*, *Robert Stoakes*, *John Whitson*, and *William Scarborough*, alias *Scarburgh*, who were all legally convicted, attainted, and executed, for their horrid Treasons and Rebellions; or to *Richard Lawrence*, who fired *James* City, and is since fled, notwithstanding his Majesty's gracious Proclamation; but that the Persons last aforesaid, and their Estates, are out of this Act wholly excepted and foreprised.

Persons disabled to bear Office.

VII. *PROVIDED also, and it is hereby Enacted and Declared, by the Authority aforesaid*, That if *Joseph Ingram*, *Gregory Walklate*, *Thomas Whaley*, *John Forth*, and *John Langstone*, shall, at any Time after the passing this Act, accept or exercise any Office, or Public Employment whatsoever, within the said Colony of *Virginia*, that then such of them, as do so accept or exercise as aforesaid, shall to all Intents and Purposes, stand, as if he or they had been totally excepted by Name out of this Act.

For relief of Sufferers by the Rebellion;

And for preventing Suits.

VIII. AND whereas many of his Majesty's loyal Subjects cannot but be very great Sufferers by the Spoils and Rapines committed, during the late Rebellion; to the Intent that they may have as much Relief therein, as may possibly stand with the Quiet of the Country, as also for the avoiding and determining the endless Suits and Prosecutions, which must necessarily ensue, if Care be not taken to prevent the same.

No Satisfaction to be made for Wrongs done between 1 *May*, and 16 *January* 1676, if no Judgment obtained before *April* 25, 1679.

IX. *IT is hereby further Enacted, by the Authority aforesaid*, That as to any Wrong or Injury which hath been committed by any Person or Persons, at any Time between the First Day of *May*, and the Sixteenth Day of *January*, Sixteen Hundred Seventy Six, whereby the Goods or Commodities of any his Majesty's Subjects in *Virginia*, have been destroyed or spoiled, or have been impaired or made worse, and for which no Judgment hath been actually obtained, before the Twenty-Fifth of *April*, Sixteen Hundred Seventy Nine, in the Thirty-First Year of his Majesty's Reign, no Account, Suit, Process, or Satisfaction, be at any Time hereafter required, prosecuted, made, or given for the same, from or against any Person or Persons whatsoever.

But Goods of Persons not engaged in Rebellion, taken between 1 *May* and 16 *January*, may be recovered by the Owners.

X. *PROVIDED always*, That where the Goods of any his Majesty's Subjects not actually engaged in the said Rebellion, or being aiding or assisting to the same, have been wrongfully taken away between the said First Day of *May*, and the said Sixteenth Day of *January*, and shall be found in the Possession of any other Person or Persons, it shall and may be lawful for the Owner or Owners of such Goods or Commodities, his or their Executors or Administrators, to take, sue for, and recover the same, by all legal Means; any Thing in this Act contained, or any other Laws, Acts, or Statutes to the contrary notwithstanding.

Rebel Servants lose their Time of Service from 1 *May* to 16 *January*.

XI. *PROVIDED always*, That no further Punishment, Satisfaction, or Damages, shall be recovered or inflicted on any Christian Servants, that have deserted their Masters, or been active in the late Rebellion, than that the Time incurring between the said First Day of *May*, and the said Sixteenth Day of *January*, shall be accounted no Part of their Time of Service.

Judgments, Decrees, &c. before passing this Act, confirmed.

XII. *AND be it further Enacted, by the Authority aforesaid*, That no Verdicts, Judgments, Indictments, Informations, Decrees, Sentences, Probats of Wills, Administrations, Writs, or Actings on, or Return of Writs, Orders, or other Proceedings whatsoever, in Law or Equity, had, made, given, taken, or done, or depending in any Courts, or before any Judges whatsoever, within the said Colony of *Virginia*; nor any Actings, Process, Proceedings, or Executions thereupon

thereupon had, made, given, done, or suffered, at any Time, before the passing this Law within our said Colony, shall be avoided, for or by Reason that the Premises, or any of them, were commenced, prosecuted, had, made, held, or done, by or before any Person pretending and assuming the Name, Title, Authority, and Dignity of Governor of the said Colony, tho' he were not legally so; or before any Person or Persons, pretending and assuming the Name, Title, and Authority of Councillors within the said Colony, though not legally so; but that all and every such Verdicts, Judgments, and other Things abovementioned, and the Actings, Doings, and Proceedings thereupon, shall be of such, and of no other Force, Effect, and Value, than as if such Person so assuming the Name, Title, Authority, and Dignity of Governor, had been legally commissioned by his Majesty thereunto; and as if such Person or Persons, pretending the Name, Title, and Authority of Councillors there, had been legally authorized thereunto. *A. D.* 1680.

XIII. AND whereas, during the Licentiousness of the late Times, several ill-disposed Persons took upon them to asperse the Government, and defame the Governor and Chief Magistrates of the said Colony, raising false and scandalous Reports; without which, our good Subjects there, could not have been so easily led away, which cannot but tend to the future Disturbance of the Peace and Welfare thereof, if not timely prevented, by inflicting Punishments proportionate to the Greatness of the Crime: For punishing Aspersions of this Government.

XIV. *BE it therefore Enacted, by the Authority aforesaid,* That whosoever shall, after the passing of this Act, maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter, or declare, any Words, Sentences, or other Thing or Things, to incite or stir up the People to the Dislike of any Person appointed by his Majesty, to be Governor, or Commander in Chief of the said Colony, or tending to the Dishonour or Defaming of the said Governor, or Commander in Cheif for the Time being; and being thereof legally convicted, shall be imprisoned during One Year, without Bail or Mainprize, and incur such Forfeiture, as shall be adjudged, not exceeding the Sum of Five Hundred Pounds, to the King's Most Excellent Majesty, his Heirs and Successors. Defaming the Governor, or Commander in Chief. One Years Imprisonment, without Bail, and 500 *l.* Fnie.

XV. *AND it is in like Manner Enacted,* That whosoever shall maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter, or declare, any Words, Sentences, or other Things, to incite or stir up the People to the Dislike of his Majesty's Councillors, Judges, or other principal Officers within the said Colony, or tending to the Dishonour of Defaming of the said Councillors, Judges, or principal Officers; and being thereof legally convicted, shall be imprisoned Three Months, without Bail or Mainprize, and incur such Forfeiture as shall be adjudged, not exceeding the Sum of One Hundred Pounds, to the King's Most Excellent Majesty, his Heirs and Successors; any Act or Acts, Order or Orders to the contrary, in any-wise, notwithstanding. Or a Councillor, Judge, or principal Officer, 3 Months Imprisonment, and 100 *l.* Fine.

CHAP. II.

(a) An Act for Naturalization.

I. WHEREAS nothing can contribute more to the speedy settling and peopling of this his Majesty's Colony of *Virginia*, than that all possible Encouragement should be given to Persons of different Nations to transport themselves hither, with their Families and Stocks, for to settle, plant, or reside, by investing them with all the Rights and Privileges of any his Majesty's Natural Free-born Subjects within the said Colony. Preamble.

(a) This Act was also brought by the Lord *Culpeper*, under the Great Seal of *England*, with the former, and passed the Assembly unanimously; and therefore could not be repealed by the Act, *Anno* 1705.

A. D. 1680.

Governor may grant Letters of Naturalization.

II. *BE it therefore Enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly, and it is hereby Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Governor, or Commander in Chief of this Colony, for the Time being, or any of his Successors, Governors of this Colony, by a public Instrument under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already settled, or Inhabitants of this his Majesty's Colony, or such as shall hereafter come for to settle, reside, or plant in it, and having taken the Oaths of Allegiance, before the Governor, or Commander in Chief for the Time being, to be, to all Intents and Purposes, fully and completely naturalized; and that the said Persons so approved of, and named in the said Letters Patents, as aforesaid, shall, by Virtue of this Act, have and enjoy to them and their Heirs, the same Immunities and Rights of and unto the Laws and Privileges of this Colony, and as fully and amply as any of his Majesty's natural born Subjects have or enjoy within the same, as if they themselves had been born within any of his Majesty's Realms or Dominions; any former Law, Act, Ordinance, Usage, or Custom to the contrary, in any-wise, notwithstanding.

And administer the Oath of Allegiance. Such Persons entitled to all Priviledges of natural born Subjects.

III. AND to the Intent, the said Letters Patents, and Instrument, under the Broad Seal of this Colony, as aforesaid, may be obtained without any great Difficulty or Charge.

Fees for the Letters Patents

IV. *BE it further Enacted,* That the Governor, or Commander in Chief, shall have and receive for the same, Forty Shillings, and his Clerk, for writing of it, Ten Shillings, and no more.

V. AND whereas several Aliens and Foreigners, that have formerly transported themselves to this his Majesty's Colony, and have taken up and patented in their own Name, several Parcels of Land, or otherwise made Purchase of Lands, Houses or other real Interest, and have afterwards sold the same to some of his Majesty's Liege People, or Inhabitants of this Colony.

Purchasers of Aliens Lands confirmed in their Titles.

VI *IT is therefore hereby Enacted and Ordained, by the Authority aforesaid,* That all such Person or Persons, that shall have so bought of any Alien or Aliens, any Lands, Houses, or Tenements, be secured, and by Virtue of this present Act, for ever confirmed in the quiet and peaceable Possession of the said Purchases unto them, and their Heirs for ever; any former Law, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

Proviso No Privilege granted to Aliens by this Act, contrary to the Laws of *England.*

VII. *PROVIDED,* That nothing in this Act contained, shall be construed to enable or give Power or Privilege to any Foreigner, to do or execute any Matter or Thing, which, by any of the Acts made in *England*, concerning his Majesty's Plantations, he is disabled to do or execute.

CHAP. III.

(a) An Act for raising a public Revenue for the better Support of the Government of this his Majesty's Colony of Virginia.

Preamble.

I. WHEREAS there is a great and continual Charge required for the Maintenance of the Governor, and several other Officers and Persons, as also for the Fort and Fortifications, besides many other contingent Expences, absolutely necessary for the Support of the Government of this Colony:

II. BE

(a) This Act was also brought over by the Lord *Culpeper*, under the Great Seal of *England*, with the two former, and passed the Assembly, with the Addition of the two Provisos at the End of the Act, and therefore could not be repealed by the Acts of 1705, and 1710.

A. D. 1680.

II. *BE it therefore Enacted, and it is hereby Enacted, by the King's Most Excellent Majesty, by and with the Consent of the General Assembly,* That for every Hogshead of Tobacco, that shall at any Time hereafter be exported out of this Colony, by Land or Water, to any other Place whatsoever, there shall be paid by the Exporter, Two Shillings of current Money of *England*, as also for every Five Hundred Pounds of Tobacco exported in Bulk, or otherwise, and so proportionably for a greater or lesser Quantity; the same to be to the King's Most Excellent Majesty, his Heirs and Successors for ever, to and for the better Support of the Government of this his Majesty's Colony of *Virginia*, in such Manner as is herein before expressed; and to and for no other Use, Intent, or Purpose whatsoever. Two Shillings *per* Hogshead laid upon Tobacco.

III. *And be it further Enacted, by the Authority aforesaid,* That all Ships or Vessels whatsoever, coming to this Colony, or any Part thereof, shall respectively pay, for every Ton such Ship or Vessel shall contain, One half Pound of good and new Gun Powder, and Three Pounds of Leaden Shot, or One Shilling Three Pence *Sterling*, in Lieu thereof; as also Six Pence *per* Poll for every Person imported, not being actually a Mariner in Pay; the same to be also to the King's Most Excellent Majesty, his Heirs and Successors for ever, for the better Support of the Government of this his Majesty's Colony of *Virginia*, in such Manner as is herein before expressed; and to, and for no other Use, Intent, or Purpose whatsoever. One Shilling Three Pence *per* Ton upon Shipping. and Six Pence *per* Poll on Persons imported, except Mariners.

IV. AND for the better Discovery and preventing of Frauds, *Be it further Enacted by the Authority aforesaid,* That the Master of every Ship or Vessel shall deliver his Boatswain's Book to the Perusal of the respective Collectors, and make Oath of the Truth thereof, to the best of his Knowledge, and that the Mate, Boatswain, or any other Officer, Seamen, or other Persons, be also sworn, if there be Cause, for the Discovery of the Freight, and if any Master shall wittingly or willingly conceal any Part of his Freight, or make false Entry of the Burthen of his Ship or Vessel, or Number of Persons imported, as aforesaid, that then the said Master shall forfeit for every such Offence, the Sum of One Hundred Pounds *Sterling*; as also the Treble Duties for every Hogshead, or Five Hundred Pounds of Tobacco, and for every Ton concealed: One Moiety to the Informer, and the other Moiety to the King's Most Excellent Majesty, his Heirs and Successors, and for the Uses above mentioned; and to be recovered by Action of Debt, Bill, or Plaint, by Virtue of this Act, against which no Essoin, Wager of Law, or Protection to be allowed to any Person so offending. For Discovery of Frauds. Ship-Master shall make Oath to his Freight. Penalty on Concealment. Ch. 36, 1748.

V. *AND it is hereby further Enacted, by the Authority aforesaid,* That the respective Master of every Ship and Vessel shall enter into a Bond of Twenty Pounds *Sterling*, to the King's Most Excellent Majesty, his Heirs and Successors, for the Payment of the Duties of so many Hogsheads, or Five Hundred Pounds of Tobacco, as shall, upon due Certificate, appear to be entered in the Custom House in *England*, more than shall be entered and paid to the respective Collectors and other Officers in *Virginia*, unless the said Collectors and Officers, be fully satisfied of the true Number of Hogsheads, and Freight of the said Ships and Vessels; the said Bond to be made without any Fee, and to be void to all Intents as if never made, if not put in Suit upon due Certificate, to be procured by the respective Collectors, from the Custom-house in *England*, within One Year from the making thereof; which said Collectors and other Officers, are hereby required to use their utmost Diligence in the due Execution of this Act, and shall be allowed their usual Salaries, or such other, as by the Governor, or Commander in Chief for the Time being, with the Advice of the Council, shall be adjudged necessary for collecting the said Imposition: Which said Governor or Commander in Chief for the Time being, is also hereby farther authorized and impowered, from Time to Time, with the Advice of the Council as is before specified to give such reasonable Allowances and Encouragement, as shall be adjudged fitting, not exceed- And shall give Bond to pay the Duties on Tobacco entered in *England* more than was entered and paid for here. Ch. 36, 1748. Bonds void, if no Suit within a Year.

A. D. 1680. ing Ten *per Cent.* to such Masters of Ships, or other Persons, as shall give in true Accounts, and advance and pay down the above mentioned Duties, either in Money, or good and sufficient Bills of Exchange, to the Satisfaction of the respective Collectors.

Ch. 128, 1661. Ch. 17, 1662. h. 132, 1661.

VI. (*a*) *PROVIDED always, and it is hereby Enacted and Declared, by the Authority aforesaid,* That the Act of Assembly, in the printed Book, intituled *Imposition of two Shillings per* Hogshead, made at a Grand Assembly, held at *James* City, the Twenty Third of *March*, One Thousand Six Hundred Sixty One; also one other Act, intituled *An Act for the Imposition of two Shillings per* Hogshead, made at *James* City the second of *December*, One Thousand Six Hundred Sixty Two; also, one other Act in the pinted Book intituled, *Castle Duties to be paid*, made at a Grand Assembly, holden at *James* City, the Twenty Third of *March*, One Thousand Six Hundred Sixty One; and all other former Acts, for the raising or levying of Two Shillings *per* Hogshead Impost, upon Tobaccos exported out of this his Majesty's Colony of *Virginia*, or for raising or levying Castle Duties, Tunnage, or Head-Money, be, and are hereby, by Virtue of this Act, fully repealed and made void, to all Intents and Purposes; any Thing in this Act, or any other Law, Statute, Custom, Usage, or Instructions whatsoever, to the contrary, notwithstanding,

Ch. 134, 1661. Ch. 5, 1669. confirmed.

VII. (*b*) *PROVIDED also, and it hereby Enacted and Declared, by the Authority aforesaid,* That the Privilege of *Virginia* Owners of Ships, expressed and set set down in the Hundred Thirty Fourth Act in the printed Book, intituled *Privilege of* Virginia *Owners*, made at *James* City, the Twenty Third of *March*, One Thousand Six Hundred Sixty One; and one Act made at *James* City, the Twentieth of *October*, One Thousand Six Hundred Sixty Nine, intituled, *An Act for freeing* Virginia *Owners from Castle Duties*, shall be, and are hereby meant and intended to be in full Force, Power, and Virtue, to the Benefit, Use, and Privilege of all and every such Owner or Owners; any Thing in this Act, or any other Law, Statute, Custom, Usage or, Instructions whatsoever to the contrary, notwithstanding.

Expired. Chap. 4. *An Act for Continuation of the several Fortifications and Garrisons at the Heads of the Four great Rivers.*

Expired. 5. *An Act for Cohabitation and Encouragement of Trade and Manufacture.*

By Proclam. *June* 26, 1699. 6. *An Act imposing and ascertaining Attornies Fees.*. REP.

Ch. 21, 1748. 7. *An Act ascertaining the Time when Negro Children shall be Tithable.* REP.

Expired. 8. *An Act licensing free Trade with the* Indians.

Ch. 46, 1705. 9. *An Act ascertaining Allowances for Cask.* REP.

Ch. 39, 1748. 10. *An Act preventing Negros Insurrections.* REP.

Ch. 2, 1705. 11. *An Act for Presentation and Delivery of Grievances.* REP.

Ch. 29, 1705. &c. 35. 1748. 12. *An Act prohibiting the Transportation of Raw Hides and Deer Skins.* REP.

CHAP.

(*a*) (*b*) These two Provisos were added by the Assembly, and the Bill passed, after it had been rejected by the Burgesses. Assembly Journal, *June* 18. 1780.

A. D. 1680.

CHAP. XIII.

An Act prohibiting unlawful Diſturbances of Divine Service.

BE it Enacted, (a) by the King's Moſt Excellent Majeſty, by and with the Conſent of the General Aſſembly, and it is hereby Enacted, by the Authority aforeſaid, That whoſoever, from and after the Publication of this Act, ſhall appear in any Church or Chapel within this His Majeſty's Colony, whilſt the Miniſter is exerciſing his Miniſterial Function, and ſhall diſturb him by Words, or any other Manner of Means whatſoever, or ſhall there appear in any unſeemly or undecent Geſture, any Juſtice, Sheriff, or other Officer then preſent, ſhall put ſuch Perſon or Perſons ſo offending under Reſtraint, during Divine Service; who ſhall alſo, for the firſt Offence, be fined Two Hundred Pounds of Tobacco, and Caſk; and for every ſuch Offence as ſhall be by them, or any of them committed after, in the like Quality, ſhall be fined Five Hundred Pounds of like Tobacco, and Caſk, for every ſuch Offence: Which Fines ſhall be levied by the Sheriff, upon the Eſtate of the Perſon or Perſons ſo offending, by Virtue of a Warrant from a Juſtice of the Peace, for the Uſe of the Pariſh. And ſuch Juſtice of the Peace that ſhall refuſe or neglect to put this Law into ſevere Execution, ſhallbe fined Five Hundred Pounds of Tobacca, and Caſk, to the Uſe of the Pariſh, for every ſuch Neglect.

Diſturbers of Divine Service to be fined.

1ſt Offence, 200 *lb.* Tobacco, and Caſk; every Offence after, 500 and Caſk.

Juſtice not putting this Law in Execution fined 500 and Caſk.

Chap. 14. *An Act reviving and reinforcing an Act made at* James City, *the 20th of* October 1665, *and putting the ſame in due Execution.* REP. — Ch. 43, 1748.

15. *An Act for the well clearing the Heads of the Rivers and Creeks from Logs and Trees, for the more ſafe paſſing of Sloops and Boats.* REP. — Ch. 29, 1748.

16. *Additional Fees aſcertained to County Court Clerks.* — Expired.

17. *An Act reſtraining ſtriking and killing Fiſh at unſeaſonable Times.* REP. — Ch. 4, 1686.

Signed by Lord CULPEPER, *Governor,*
THOMAS BALLARD, *Speaker.*

(a) *Memorandum,* That the Stile of all the Acts of this Seſſion, except the firſt Three, was miſtaken, and ought to have been in the Name of the Governor, Council, and Burgeſſes, and not in the Name of the King, as thoſe were which were propoſed and ſent over under the Great Seal of *England,* by the King himſelf.

A. D. 1682.

At a GENERAL ASSEMBLY, begun at *James* City, the Tenth Day of *November*, 1682, and in the Thirty Fourth Year of the Reign of our Sovereign Lord CHARLES the Second, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

Repealed, Ch. 14, 1748. Chap. 1. *An Act to repeal a former Law making* Indians *and others free.*

Ch. 21, 1748. 2. *An Act declaring Indian Women Servants Tithable.* REP.

Ch. 39, 1748. 3. *An additional Act for the better preventing Insurrections by Negroes.* REP.

By Proclam. June 19, 1684. 4. *An Act prohibiting the Exportation of Iron, Wool, Wool-Fells, Skins, Hides, or Leather.* REP.

Ch. 6, and 7, 1748. 5. *An Act directing how Commissions of* Dedimus poteſtatem, *and other Writs, shall issue.* REP.

By Proclam. June 19, 1684. 6. *An Act repealing the Sixth Act of Assembly of* June 1680. *about Attornies.* REP.

Expired. 7. *An Act disbanding the present Soldiers in Garrison in the Forts at the Heads of the several Rivers; as also for the raising of other Forces in their Stead.*

Ch. 43, 1748. 8. *An Act imposing farther Penalties upon any Person or Persons that shall publish or declare, that the Acts of Assembly of* Virginia *are not of Force.* REP.

By Proclam. June 19, 1684. 9. *An Act repealing an Exception in the Ninth Act of Assembly, made* Anno 1664. REP.

Ch. 6, 1748. 10. *An Act that Witnesses be free from Arrests.* REP.

Ch. 6, 1684. 11. *An Act for the Encouragement of the Manufactures of Linen and Woollen Cloth.* REP.

Expired. 12. *An Act for the Advancement of Manufacturies of the Growth of this Country; and for the better and more speedy Payment of Debts and Levies.*

Expired. 13. *An Act for the publick Levy.*

Signed by Lord CULPEPER *Governor.*

THOMAS BALLARD, *Speaker.*

At

A. D. 1684.

At a GENERAL ASSEMBLY, begun at *James* City, the Sixteenth Day of *April*, in the Thirty Sixth Year of the Reign of our Sovereign Lord CHARLES the Second, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1684.

The Lord HOWARD, of *Effingham*, Governor.

Chap. 1. *An Act for altering the Time of holding General Courts.* Repealed, Ch. 6, 1748.

2. *An Act for the better Preservation of the Peace of* Virginia, *and preventing unlawful and treasonable Associations.* Repealed, Ch. 43, 1748.

3. *An Act repealing the Act concerning the Pursuit of Runaways.* Ch. 1, 1670.

4. *An Act for the better Supply of the Country with Arms and Ammunition.* REP. Ch. 3, 1723.

5. *An Act repealing the 42d and 43d Acts of the printed Laws, and for building Prisons in each County, and for ascertaining Rules to each Prison.* REP. Ch. 45, 1748.

6. *An Act repealing the Act giving Encouragements for the Linen and Woollen Manufactures.* Ch. 4, 1673.

7. *An Act for the better Defence of the Country.* REP. Ch. 9, 1686.

8. *An Act for lessening the Levies by the Poll, and laying an Imposition on Liquors.* Expired.

9. *An Act for the public Levy.* Expired.

Signed by Lord EFFINGHAM, *Governor*,
EDWARD HILL, *Speaker*.

K At

A. D. 1686.

The Lord Howard, of Effingham, Governor.

At a General Assembly, begun at *James* City (*a*), the First Day of *October*, in the First Year of the Reign of our Sovereign Lord James the Second, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1685; and prorogued to the 2d Day of *November* following, and thence continued by several Prorogations, to the Twentieth Day of *October*, 1686.

Ch. 14, 1748. Chap. 1. *An additional Act about Run-aways.* REP.

Useless. 2. *An Act declaring* Maryland *and* Carolina *Debts pleadable.* (*b*)

Ch. 12, 1682. 3. *An Act reviving the Act intituled,* An Act for the Advancement of Manufactures of the Growth of this Country, *&c.* EXP.

4. *An Act repealing the 17th Act of Assembly made the 8th Day of* June, 1680.

Ch. 7. 1748. 5. *An Act ascertaining Days for Courts in* Accomack *County.* REP.

Ch. 46, 1705. 6. *An Act regulating the Tares of Tobacco Hogsheads.* EXP.

Ch. 4, 1696. 7. *An Act declaring the 107th Act of Assembly made the 23d Day of* March, 1661-2, *to be in Force.* REP.

Ch. 40, 1748. 8. *An Act for the better improving the Breed of Horses.* EXP.

9. *An Act repealing the 7th Act of Assembly, made at* James *City, the 16th Day of* April, 1684.

Expired. 10. *An Act continuing the Imposition upon Liquors.*

Expired. 11. *An Act for raising a public Levy.*

Signed by Lord Effingham, *Governor,*
Arthur Allen, *Speaker.*

(*a*) This Assembly met at this Time, and being the same Day prorogued to *November* 2, following, *William Kendal* was chosen Speaker; and after sitting some Time, several Bills were prepared and offered to the Governor, but none passed.

(*b*) This Act was made when a Law subsisted, That no foreign Debts should be recovered unless they were contracted for Goods imported.

At

A. D. 1691.

At a GENERAL ASSEMBLY, begun at *James* City, the Sixteenth Day of *April*, in the Third Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, *&c.* and in the Year of our Lord, 1691.

FRANCIS NICHOLSON, Esq; Lieutenant Governor.

Chap. 1. *An Act giving Reward for killing of Wolves.* REP. Ch. 50, 1748.

2. *An Act directing how public Claims shall be certified for Allowances.* REP. Ch. 8, 1705.

3. *An Act prohibiting Ordinary-keepers to give Credit to Seamen and others.* REP. Ch. 30, 1748.

4. *An Act to prevent the casting of Ballast into Rivers and Creeks.* REP. Ch. 36, 1748.

5. *An Act directing how Sheriffs and Collectors shall account for Public Dues.* REP. † †C. 18, 1748, and provided for from Time to Time. See Ch. 51, 1748.

6. *An Act reviving the Act for Advancement of Manufactures of the Growth of this Country.* Expired.

7. *An Act reviving the 6th Act of Assembly, made at* James *City, the 20th of* October, 1686, *regulating the Tares of Tobacco Hogsheads.* Repealed, Ch. 46, 1705.

8. *An Act for Ports,* &c. (a)

9. *An Act for a free Trade with* Indians. REP. (b)

10. *An Act to prevent Horses running at large, and barking Fruit Trees.* REP. (c)

11. *An Act for the more effectual suppressing the several Sins and Offences of Swearing, Cursing, prophaning God's Holy Name, Sabbath-abusing, Drunkenness, Fornication, and Adultery.* REP. (d)

12. *An Act declaring the Duty of Tanners, Curriers, and Shoemakers.* REP. Ch. 43, 1748.

13. *An Act enjoining the planting and dressing of Flax and Hemp.* Expired.

14. *An Act for the Alteration of the Time for processioning of Land.* REP. Ch. 1, 1748.

(a) Suspended, Session 2, Ch. 1, 1692, until their Majesties Pleasure should be known therein.

(b) Ch. 52, 1705.

(c) Ch. 20, 1748.

(d) Ch. 30, 1705.

Chap.

A. D. 1691.

Ch. 1, 1692.	Chap. 15.	*An Act for the better Defence of the County.* REP.
Ch. 14, 1748.	16.	*An Act for suppressing outlying Slaves.* REP.
Expired.	17.	*An Act for lessening the Levy by the Poll, and laying an Imposition on Liquors.*
Expired.	18.	*An Act appointing a Treasurer.*
Private.	19.	*An Act for dividing* New-Kent *County.*
Private.	20.	*An Act for dividing* Lower Norfolk *County.*
Expired.	21.	*An Act for raising a public Levy.*

Signed by FRANCIS NICHOLSON, *Esq; Governor,*
THOMAS MILNER, *Speaker.*

A. D. 1692.

FRANCIS NICHOLSON, Esq; Lieutenant-Governor.

At a GENERAL ASSEMBLY, begun at *James* City, the Sixteenth Day of *April*, in the Third Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England, Scotland, France,* and *Ireland*, King and Queen, Defenders of the Faith, *&c.* and in the Year of our Lord, 1691; and thence continued, by Prorogation, to the First Day of *April*, 1692, in the Fourth Year of Their Majesties Reign; being the Second Session of this present General Assembly.

Expired.	Chap. 1.	*An Act for the better Defence of the Country.*
Ch. 1, 1748.	2.	*An Act for Confirmation of Lands.* REP.
Ch. 38, 1748.	3.	*An Act for the more speedy Prosecution of Slaves committing Capital Crimes.* REP.
Ch. 9, 1748.	4.	*An Act about Physicians and Chirurgeons Accounts.* REP.
Private.	5.	*An Act for the dividing* Rappahanock *County.*
Ch. 7, 1748.	6.	*An Act for altering the Day for* Princess-Anne *County Court.* REP.
Expired.	7.	*An Act for raising a Public Levy.*

Signed by FRANCIS NICHOLSON, *Esq; Governor,*
THOMAS MILNER, *Speaker.*

At

A. D. 1692.

At a GENERAL ASSEMBLY, begun at *James* City, the Second Day of *March*, in the Fourth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, *&c.* and in the Year of our Lord, 1692.

Sir EDMUND ANDROS, Governor.

Chap. 1. *An Act for suspending the Execution of the Acts for Ports.* See Chap. 8, 1691, and nothing more done about it.

2. *An Act concerning* Indians *Hogs.* REP. Ch. 52, 1705.

3. *An Act for giving Encouragement to erect Fulling Mills.* Obsolete.

4. *An Act for ascertaining the Price of coasting Cocquets, and requiring Officers Attendance.* REP. Ch. 36. 1748.

5. *An Act for encouraging the erecting of a Post-Office in this Country.* Expired.

6. *An Act for continuing the Rangers at the Heads of the Four great Rivers.* Expired.

7. *An Act for raising a Public Levy.* Expired.

Signed by Sir EDMUND ANDROS, *Governor*,
THOMAS MILNER, *Speaker*.

At a GENERAL ASSEMBLY, begun at *James* City, the Tenth Day of *October*, in the Fifth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, *&c. Annoq; Domini* 1693.

A. D. 1693.

Sir EDMUND ANDROS, Governor.

Chap. 1. *An Act appointing Rangers on the Frontiers of the Four great Rivers.* Expired.

A. D. 1693. Expired. Chap. 2. *An Act for the Encouragement of the Manufacture of Linen Cloth.*

Effected. 3. *An Act ascertaining the Place for erecting the* College *of* William *and* Mary, *in* Virginia. PRIV.

Ch. 35, 1748. 4. *An Act laying an Imposition upon Skins and Furrs, for the better Support of the* College *of* William *and* Mary, *in* Virginia. REP.

Expired. 5. *An Act for raising a public Levy.*

Signed by Sir EDMUND ANDROS, *Governor*,
THOMAS MILNER, *Speaker*.

A. D. 1695. Sir EDMUND ANDROS, Governor.

At a GENERAL ASSEMBLY, begun at *James* City, the Eighteenth Day of *April*, in the Seventh Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, &c. *Annoq; Domini* 1695.

Expired. Chap. 1. *An Act appointing Rangers at the Heads of the Four great Rivers.*

Private. 2. *An Act for enlarging the Bounds of* Princess-Anne *County.*

Expired. 3. *An Act for lessening the Poll, and laying an Imposition upon Liquors.*

Expired. 4. *An Act impowering the Governor, with the Advice of the Council, to apply Five Hundred Pounds* Sterling, *out of the Imposition upon Liquors raised this Assembly, to the Assistance and Preservation of* New-York, *if found necessary.*

Expired. 5. *An Act for reviving the 7th Act of Assembly, made at* James *City, the 16th Day of* April, 1691, *and for the ascertaining the Size of Tobacco Hogsheads.*

Expired. 6. *An Act for raising a Public Levy.*

Signed by Sir EDMUND ANDROS, *Governor*,
PHILIP LUDWELL, *Speaker*.

N. B. *There was another Session of this Assembly, held the 23d of* April, 1696, *in the 8th Year of King* William's *Reign, but no Laws passed.*

At

A. D. 1696.

At a GENERAL ASSEMBLY, begun at *James* City, the 24th Day of *April*, in the Eighth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King and Queen, Defenders of the Faith, *&c.* and in the Year of our Lord, 1696.

Sir EDMUND ANDROS, Governor.

Chap. 1. *An Act for Punishment of Fornication, and several other Sins and Offences.* REP. Ch. 30, 1705.

2. *An Act for altering the Court Days in* Accomack *County.* Repealed, Ch. 7, 1748.

3. *An Act for giving a Reward to* Indians, *for killing of Wolves.* REP. Ch. 50, 1748.

4. *An Act for repealing the Prohibition of planting Tobacco after the last Day of* June *annually.* Ch. 7, 1686.

5. *An Act for ascertaining Damages upon Appeals.* REP. Ch. 6, 7, 1748.

6. *An Act for imposing Penalties upon the Non-appearance of Evidences.* REP. Ch. 6, 7, 1748.

7. *An Act declaring how long Judgments and Specialties shall be pleadable.* REP. Ch. 9, 1748.

8. *An Act for ascertaining the Place where the Court for* York *County shall be kept.* Had its Effect.

9. *An Act for ascertaining the Gauge of Pork, Tar, and other Barrels.* REP. Ch. 49, 1748.

10. *An Act for Prevention of clandestine Marriages.* REP. Ch. 32, 1748.

11. *An Act for the better Support and Maintenance of the Clergy.* REP. Ch. 34, 1748.

12. *An Act for regulating and ascertaining County Clerks Fees.* Expired.

13. *An Act appointing Rangers at the Heads of the Four great Rivers.* Expired.

14. *An Act for raising a Public Levy.* Expired.

Signed by Sir EDMUND ANDROS, *Governor.*
ROBERT CARTER, *Speaker.*

Memorandum. *This Assembly was continued, by several Adjournments, to the 21st Day of* October, 1697; *and then met, and passed only one Act,* For raising a Public Levy, *and was dissolved.*

And,

A. D. 1699. *And, That a General Assembly was begun and held at* James City, *the 28th of* September, *in the Tenth Year of the Reign of King* William, Anno 1698; *and continued to the 6th of* October *following,* William Randolph *being Speaker; and then the Governor sent for the House of Burgesses, and told them, he was concerned, upon the Occasion of an Act of Parliament, to dissolve the Assembly; and it was dissolved accordingly, without doing any Business.* Quære, *What Act of Parliament this was?*

FRANCIS NICHOLSON, Esq; Governor.

At a GENERAL ASSEMBLY, begun at *James* City, the Twenty Seventh Day of *April*, in the Eleventh Year of the Reign of our Sovereign Lord WILLIAM the Third, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* *Annoq; Domini 1699.*

Ch. 30, 1705. Chap. 1. *An Act for the more effectual suppressing of Blasphemy, Swearing, Cursing, Drunkenness, and Sabbath-breaking.* REP.

Ch. 2, 1705. 2. *An Act for Prevention of undue Election of Burgesses.* REP.

Repealed, see Ch. 6, and 7, 1748. 3. *An Act to prevent the Discontinuance of Courts and Process.*

Ch. 11, 1748. 4. *An Act for regulating Juries.* REP.

5. *An Act for the restraining and punishing of Pirates and Privateers.* (a)

Ch. 41, 1748. 6. *An Act for the Punishment of Slaves, for the first and second Offence of Hog-stealing.* REP.

Ch. 14, 1738. 7. *An Act prohibiting the unseasonable killing of Deer.* REP.

Effected, *Anno* 1705. 8. *An Act appointing a Committee for the Revisal of the whole Body of the Laws of this Colony.* EXP.

Expired. 9. *An Act prohibiting the Exportation of* Indian *Corn.*

10. *An Act for confirming Titles to Town-Lands.* (b)

Expired. 11. *An Act for lessening the Levy by the Poll, and laying an Imposition upon Liquors, for and towards the building the* Capitol, *and other Public Uses.*

(a) After the making of this Act, an Act of Parliament passed this present Year, 1699, *For the more effectual Suppression of Piracy*; which was continued from Time to Time, and made perpetual by Ch. 19, 6 *Geo.* I, whereby a new Method was established for Trial of Pirates in the Plantations: By this Act, and 4 *Geo.* I, Ch. 11, and 8 *Geo.* I, Ch. 24, the Law as to Pirates is fully settled and declared, therefore this Act of Assembly is either of no Force, or become Null.

(b) This Act was re-enacted, almost Verbatim, in Ch. 44, 1705, only two Provisos in this Act, *For vesting Lands purchased, pursuant to the Act for Ports, in the Trustees, altho' the same had not been convey'd by the Proprietors*; and, *For giving Twelve Months Time to build upon Lots*; are omitted: So that it need not be printed at large.

Chap.

A. D. 1699.

Chap. 12. *An Act for laying an Imposition upon Servants and Slaves imported into this Country, towards building the* Capitol. Expired.

13. *An Act ascertaining Collectors and Naval Officers Fees.* Repealed, Ch. 36, 1748.

14. *An Act directing the building the* Capitol, *and the City of* Williamsburg. *(c)* Effected.

15. *An Act appointing a Treasurer.* Expired.

16. *An Act for raising a public Levy.* Expired.

Signed by FRANCIS NICHOLSON, *Esq; Governor.*
ROBERT CARTER, *Speaker.*

(c) This Act is recited, Verbatim, in the 43d Ch. *Anno* 1705, and declared to be in Force, and several Clauses are added, for the better Execution thereof; therefore it need not be printed at large.

At a GENERAL ASSEMBLY, begun at His Majesty's Royal College of *William* and *Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*, *Anno Domini* 1700.

A. D. 1700. FRANCIS NICHOLSON, Esq; Governor.

Chap. 1. *An Act for continuing the Act prohibiting the Exportation of* Indian *Corn.* Expired.

2. *An Act making the* French *Refugees, inhabiting at the* Manakin *Town and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Payment of the Public and County Levies for Seven Years.* Private.

3. *An Act for the more effectual and speedy carrying on the Revisal of the Laws.* Expired.

4. *An Act for raising a Public Levy.* Expired.

Signed by FRANCIS NICHOLSON, *Esq; Governor.*
PETER BEVERLEY, *Speaker.*

A. D. 1701.

FRANCIS NICHOLSON, Esq; Governor.

At a GENERAL ASSEMBLY, begun at His Majesty's Royal College of *Wiliam* and *Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*, in the Twelfth Year of the Reign of our Sovereign Lord WILLIAM the Third, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c. Annoq; Domini* 1700; and thence continued by several Prorogations, to the Sixth Day of *August* 1701, and in the Thirteenth Year of His Majesty's Reign: Being the Second Session of this present General Assembly.

Chap. 1. *An Act for the better strengthening the Frontiers, and discovering the Approaches of an Enemy.* (a)

Expired. 2. *An Act for the more effectual apprehending an out-lying Negroe who hath committed divers Robberies and Offences.*

Ch. 6. 1748. 3. *An Act giving Power to the Sheriffs, attending the General Court, to summon Jurors and Evidences within the City of* Williamsburg, *and half a Mile round the same.* REP.

Private. 4. *An Act for dividing* King *and* Queen *County.*

Expired. 5. *An Act continuing the Acts laying Impositions upon Liquors, Servants, and Slaves, until the 25th of* December, 1703.

Expired. 6. *An Act giving further Directions in building the Capitol, and for building a Public Prison.*

Signed by FRANCIS NICHOLSON, *Esq; Governor,*
PETER BEVERLEY, *Speaker.*

(a) Part of this Act gave Encouragement to such People as should settle and inhabit the Frontiers, in Cohabitations and Towns, but was never put in Execution, and is now become of no Use; and the rest of it has been provided for from Time to Time, by Temporal Acts, *For Security and Defence of the Country in Times of Danger.* See Ch. 39, 1748.

At

A. D. 1702.

At a GENERAL ASSEMBLY, begun at His Majesty's Royal College of *William* and *Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*, in the Twelfth Year of the Reign of our Sovereign Lord WILLIAM III, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c. Annoq; Domini* 1700; and thence continued, by several Prorogation, to the Thirtieth Day of *May*, 1702, in the Fourteenth Year of His Majesty's Reign; being the Third Session of this present General Assembly.

FRANCIS NICHOLSON, Esq; Governor.

Chap. 1. *An Act for the continuing, meeting, and sitting of General Assemblies, in case of the Death or Demise of his Majesty, his Heirs, and Successors.* Re-enacted, Ch. 28, 1705.

2. *An Act to prevent Masters of Ships or Vessels running away after Embargos are laid.* REP. Ch. 47, 1705.

An Ordinance of Assembly for settling the dividing Lines between the Counties of Isle of Wight, Charles-City, *and* Nansemond, *on the* South *Side the* Black-water *Swamp.*

Signed by FRANCIS NICHOLSON, *Esq; Governor*,
PETER BEVERLEY, *Speaker*.

A. D. 1702.

FRANCIS NICHOLSON, Esq; Governor.

At a GENERAL ASSEMBLY, begun at Her Majesty's Royal College of *William* and *Mary*, adjoining to the City of *Williamsburg*, the Fifth Day of *December*, in the Twelfth Year of the Reign of his late Majesty King WILLIAM III, of blessed Memory; and thence continued, by several Prorogations, to the Fourteenth Day of *August*, in the First Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, Queen, Defender of the Faith, *&c.* *Annoq; Domini* 1702; being the Fourth Session of this present General Assembly.

Ch. 16, 1748. Chap. 1. *An Act for the Regulation and Settlement of Ferries, and Dispatch of Public Expresses; and for the speedy transporting of Forces over Rivers and Creeks in Time of Danger.* REP.

Private. 2. *An Act for dividing* Charles-City *County.*

Ch. 17, 1748. 3. *An Act prohibiting Seamen being harboured or entertained on Shore.* REP.

Expired. 4. *An Act for raising a Public Levy.*

An Ordinance for Defence of the Country in Times of Danger.

Signed by FRANCIS NICHOLSON, *Esq;* *Governor,*
PETER BEVERLEY, *Speaker.*

At

At a GENERAL ASSEMBLY, summoned to meet at Her Majesty's Royal College of *William* and *Mary*, adjoining to the City of *Williamsburg* (a), the Seventeenth Day of *March*, in the Second Year of the Reign of our Sovereign Lady ANNE, Queen of *England, Scotland, France*, and *Ireland, &c.* and by a Prorogation, begun on the Nineteenth Day of the said Month of *March*, 1702; and thence continued, by several Prorogations, to the Twentieth Day of *April*, 1704, in the Third Year of Her Majesty's Reign; and thence, by a Prorogation, to meet at Her Majesty Queen ANNE's Royal Capitol the Day following: Being the second Session of this present General Assembly. FRANCIS NICHOLSON, Esq; Governor.

Chap. 1. *An Act to repeal the second Act of Assembly, made in the Year* 1664, *intituled*, An Act for the Frontiers to be seated with Four able Hands. Ch. 2, 1664.

2. *An Act to prevent* Indians *hunting and ranging upon patented Lands*. REP. Ch. 43, 1748.

3. *An Act for tareing and ascertaining the Size of Tobacco Hogsheads*. REP. Ch. 46, 1705.

4. *An Act reviving the Impositions on Liquors, Servants, and Slaves, for one Year, and no longer.* Expired.

5. *An Act appointing a Treasurer.* Expired.

6. *An Act for removing Criminals from the Goals of the Counties where they shall be apprehended, to the Public Goal at* Williamsburg. REP. Ch. 13, 1748.

7. *An Act for allowing a greater Number of Ordinaries.* Repealed, Ch. 30, 1748.

8. *An Act reviving the Act for the better improving the Breed of Horses, and for restraining unruly Horses.* REP. Ch. 40, 1748. See Ch. 20 of the same Year.

(a) *Note*, The first Session of this Assembly begun the 19th of *March*, 1702, and continued to the 10th of *April*, 1703, during which Time they were employed in debating upon Her Majesty's Letter, for contributing Men and Money for *New-York*; which was refused, and no Act passed.

A. D. 1704.

Expired. 9. *An Act for raising a Public Levy.*

Private. 10. *An Act for dividing* Sittenburn *Parish.*

Private. 11. *An Act for dividing* St. Peter's *Parish, in* New-Kent *County.*

Expired. *An Ordinance of Assembly for Defence of the Country in Time of Danger.*

An Ordinance impowering Mr. Henry Cary *to make Sale of the Country Houses in the City of* Williamsburg.

Signed by FRANCIS NICHOLSON, *Esq; Governor,*
PETER BEVERLEY, *Speaker.*

A. D. 1705.

FRANCIS NICHOLSON, Esq; Governor.

At a GENERAL ASSEMBLY, summoned to meet at Her Majesty's Royal College of *William* and *Mary*, adjoining to the City of *Williamsburg*, the Seventeenth, and begun the Nineteenth of *March*, 1702, in the Second Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *England, Scotland, France*, and *Ireland*, Queen, Defender of the Faith, &c. and thence, by several Prorogations, continued and held at Her Majesty's Royal Capitol the Eighteenth Day of *April*, 1705, in the Fourth Year of Her Majesty's Reign: Being the Third Session of this Assembly.

Expired. Chap. 1. *An Act permitting the exporting and disposing of Tobacco in old Casks.* (a)

Expired. 2. *An Act for raising a Public Levy.*

Private. 3. *An Act impowering the Court of* King *and* Queen *County to purchase Land for a Town.*

(a) This Act had Relation to an Act passed the last Session, *For tareing and ascertaining the Size of Tobacco Hogsheads.*

Chap.

A. D. 1705.

Chap. 4. *An Act for the Naturalization of* Claude Philip de Richbourg, Francis Ribot, Peter Faurr, John Joanni, James Champaine, *and others.* Private.

An Ordinance of Assembly for Defence of the Country, in Times of Danger. Expired.

Signed by FRANCIS NICHOLSON, *Esq;* *Governor,*
PETER BBVERLEY, *Speaker.*

At a GENERAL ASSEMBLY, begun at the Capitol, in the City of *Williamsburg*, the Twenty Third Day of *October*, in the Fourth Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *England, Scotland, France*, and *Ireland*, Queen, Defender of the Faith, *&c. Annoq; Domini* 1705.

EDWARD NOTT, Esq; Governor.

Chap. I. *An Act for laying an Imposition upon Liquors and Slaves.* Expired.

CHAP. II.

An Act for regulating the Elections of Burgesses; for settling their Privileges; and for ascertaining their Allowances.

I. BE *it Enacted and Declared, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, and Declared, by the Authority of the same,* That the Freeholders of every County that now is, or hereafter shall be in this Dominion, now have, and hereafter shall have the Privilege and Liberty of electing and choosing Two of the most fit and able Men of such County respectively, to be present, and to act and vote in all General Assemblies, which, from Time to Time, and at any Time hereafter, shall be held within this Dominion; and also, that the Freeholders of *James* City shall have the Liberty of electing and choosing one Burgess, to be present, act, and vote in the General Assembly, as aforesaid.

The Freeholders of every County to elect Two Burgesses.

James City, One Burgess.

II. AND for the more regular and legal electing of the said Burgesses in all Time coming, *Be it Enacted, by the Authority aforesaid,* That the following Rules and Methods shall be observed, *(to wit,)* That the Writs for electing the said Burgesses shall be signed by the Governor, or Commander in Chief of this Dominion for the Time being, with the Seal of the Colony affixed to them, and shall be delivered to the Secretary, at least, Forty Days before the Day appointed for the General Assembly to begin, to be by him transmitted to the Sheriffs of the respective Counties: That the Secretary shall cause the said Writs to be safely

Method of issuing and executing the Writs for Elections.

A. D. 1705. ſafely conveyed and delivered to the ſeveral Sheriffs of each reſpective County, within Ten Days after the Date of ſuch Writs: That every Sheriff in Three Days after he receives any ſuch Writ, ſhall cauſe one Copy thereof to be delivered to every Miniſter and Reader of the ſeveral Pariſhes in his County; upon every one of which ſaid Copies, ſhall be indorſed by the Sheriff, the Time and Place by him appointed for the Election of Burgeſſes, which ſhall always be made at the Place where the County Court is accuſtomed to be held, at leaſt, Twenty Days after the Sheriff ſhall have received the Writ: That after the Receipt of ſuch Copy and Indorſement, the Miniſter or Reader as aforeſaid, ſhall publiſh the ſame after Divine Service, in the Church or Chapel where they, or either of them officiate, upon every *Sunday* that ſhall be between the Receipt of ſuch Copy, and the Day appointed for the Election of Burgeſſes; and after ſuch Publication, the Miniſter or Reader ſhall return the ſaid Copy to the Sheriff, with a Certificate of the Publication thereof, and of the Time and Place of the Election. And if at any Time hereafter, the Secretary of this Dominion for the Time being, ſhall fail to cauſe the Writs for electing of Burgeſſes, to be ſafely conveyed and delivered to the ſeveral Sheriffs as aforeſaid, he ſhall forfeit and pay the Sum of Forty Pounds Current Money; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of the Government of this Her Majeſty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to ſuch Perſon or Perſons as will inform and ſue for the ſame: To be recovered, with Coſts, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Eſſoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance ſhall be allowed. And if at any Time hereafter, the Sheriff of any County within this Dominion, ſhall fail to cauſe to be delivered one fair Copy of any Writ for Election of Burgeſſes, with an Indorſement thereupon as aforeſaid, unto every Miniſter and Reader as aforeſaid, within his County reſpectively, in ſuch Time as is before directed, ſuch Sheriff ſhall forfeit and pay the Sum of Two Thouſand Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of the Government of this Her Majeſty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to ſuch Perſon or Perſons as will inform and ſue for the ſame: To be recovered, with Coſts, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Eſſoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance ſhall be allowed. And if any Miniſter or Reader, who ſhall hereafter receive from the Sheriff of his County, the Copy of a Writ for Election of Burgeſſes in the ſaid County, ſhall, after the Receipt thereof, fail to make Publication and Return, according to the Directions of this Act, ſuch Miniſter or Reader ſhall forfeit and pay the Sum of One Thouſand Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of the Government of this Her Majeſty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to ſuch Perſon or Perſons as will inform and ſue for the ſame: To be recovered, with Coſts, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Eſſoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance ſhall be allowed.

Penalties on Failure.

Every Reſident Freeholder to appear and vote at the Election.

Penalty 200 *lb.* Tobacco.

III. *AND be it further Enacted*, That after Publication of Writs, and Time and Place for Election of Burgeſſes as aforeſaid, every Freeholder, actually reſident within the County where the Election is to be made, reſpectively ſhall appear accordingly, and give his Vote at ſuch Election, upon Penalty of forfeiting Two Hundred Pounds of Tobacco to ſuch Perſon or Perſons as will inform and ſue for the ſame: To be recovered, with Coſts, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Eſſoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance ſhall be allowed.

IV.

A. D. 1705.

IV. *PROVIDED always*, That no Freeholder being a Feme-Sole, or Feme-Covert, Infant under Age, or Recusant Convict, shall be obliged to appear, and give his or her Vote in any of the said Elections; neither, if they do appear, shall they have Liberty to vote, but shall be excluded therefrom, as though they were not Freeholders. And if any Person shall presume to give his Vote for Election of any Burgess or Burgesses, not being a Freeholder in the County or Town respectively where he shall give his Vote, such Person shall forfeit and pay Five Hundred Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to such Person or Persons as will inform and sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Information, Bill, Plaint, or Action of Debt, wherein no Essoin, Protection, or Wager of Law, Privilege, or any more than one Imparlance shall be allowed. And if, upon any Suit brought, the Question shall arise, whether any Person be a Freeholder, or not? In such Case, the *Onus Probandi* shall lie upon the Defendant. And if the Election of any Burgess or Burgesses cannot be determined, upon the View, by Consent of the Freeholders, the Sheriff, or, in his Absence, the Under-Sheriff, shall proceed to take the Poll in Manner following; *to wit*, he shall appoint such and so many Person or Persons, as to him shall seem fit, to take in Writing, the Name of every Freeholder who gives his Vote, and the Person or Persons he votes for; which Person or Persons so appointed, shall first take an Oath for his true and impartial taking the Poll; which Oath the Sheriff, or, in his Absence, the Under-Sheriff, is hereby impowered and required to administer; and then (the Sheriff, or Under-Sheriff, as aforesaid, having provided One or more Book or Books for that Purpose, as Occasion shall require) in the Court-house of the County, in Presence of the several Candidates nominated, if they will be present, or such other Persons, as (if they think fit) they may appoint to see the Poll fairly taken, the Person or Persons so appointed and sworn as aforesaid, shall take the Poll as followeth; *to wit*, first he or they shall write down the Names of all the Candidates, every One in a several Page of the Book, or in a particular Column; and then the Name of every Freeholder coming to give his Vote, shall be fairly written in the several Pages or Columns respectively, under the Name or Names of such Person or Persons as he shall vote for: *Provided*, that no Freeholder, who, at such Election, shall have given his Vote for Two Persons, shall be permitted to vote or poll for any more. And when every Freeholder present shall have given his Vote in Manner as aforesaid, (or upon Proclamation Three Times made at the Court-house Door, if no more Freeholders will give their Votes,) the Sheriff, or Under-Sheriff as aforesaid, shall conclude the Poll; and afterwards, upon Examination thereof, whatsoever Person or Persons of the Candidates shall appear to have the most Votes, the Sheriff, or Under-Sheriff as aforesaid, shall return him or them Burgess or Burgesses; and if Two or more Candidates shall have an equal Number of Votes, the Sheriff, or Under-Sheriff as aforesaid, being a Freeholder, shall and may return which of them he thinks fit: And every Freeholder, before he is admitted to poll at any such Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the following Oath; which Oath the Sheriff or Under-Sheriff as aforesaid, is hereby impowered and required to administer; *to wit*,

Proviso, Persons disabled to vote.

Any Person not being a Freeholder, presuming to vote, forfeits 500 *lbs*. Tobacco.

Method of taking the Poll.

And returning the Burgesses. See Ch. 2, 1736, Sect. 8.

Freeholders, if required, shall be Sworn.

YOU shall swear, That you are a Freeholder of the County of and that you have not been before polled at this Election.

The Oath, Repealed, and altered, Ch. 2, 1736.

And in case any Freeholder, or other Person, taking the said Oath, shall thereby commit wilful and corrupt Perjury, and be thereof convicted; or if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person, to take the said Oath, in order to be polled, whereby he shall commit such wilful and corrupt Perjury, and shall be thereof convicted, he or they, for every such

Punishment of Perjury, or Subornation; See Ch. 2, 1736. Sect. 7.

A. D. 1705. such Offence, shall forfeit and pay the Sum of Ten Pounds current Money; one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Protection, or Wager of Law, shall be allowed.

V. AND for Prevention of Disputes which may hereafter arise in Elections of Burgesses, who shall be accounted and pass for Freeholders,

Who shall be accounted Freeholders; See, as before, Sect. 2, 4, 5, 6.

VI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared*, That every Person who hath an Estate Real for his own Life, or the Life of another, or any Estate of any greater Dignity, shall be accounted a Freeholder, within the Meaning of this Act.

Form of the Returns.

VII. AND after the Election shall be made, in Manner as herein is before directed, the Sheriff, or Under-Sheriff, as aforesaid, shall make Return thereof in Manner following; *to wit*, upon the Writ shall be indorsed thus;

The Execution of this Writ appears in a certain Schedule hereto annexed.

And in the Schedule to the Writ annexed, the Execution thereof shall be certified as followeth, *mutatis mutandis*, viz.

For a County.

BY Virtue of this Writ to me directed, in my full County, held at the Court-house for my said County, upon the Day of in the Year of the Reign of by the Grace of God, of * England, Scotland, France, *and* Ireland, *Queen, Defender of the Faith*, &c. *by the Assent of my said County, I have caused to be chosen [Two Burgesses] of my said County*, to wit, A. B. *and* C. D. *to act and do, as in the said Writ is directed and required.*

For *William* and *Mary* College, or, a Town.

And for the College of *William* and *Mary*, or for any Town, the Form of the Return shall be thus;

BY Virtue of this Writ to me directed, I did make lawful Publication thereof; and afterwards, to wit, *upon the Day of in the Year of the Reign of by the Grace of God, of* * England, Scotland, France, *and* Ireland, *Queen, Defender of the Faith, [at the said Town of] or [at the said College] by the Assent of the [Freeholders] or [President and Masters, or Professors] thereof, I have caused to be chosen One Burgess for the said [Town] or [College,]* to wit, A. B. *of to act and do, as in the said Writ is directed and required.*

Sheriff shall deliver a Copy of the Poll, upon Request.

And if at any Time, any Candidate, or other Person in his Behalf, shall desire a Copy of the Poll, the Sheriff, or Under-Sheriff, who manages the Election, as soon as may be, shall cause a fair Copy thereof to be made, and shall deliver it, attested with his own Hand, unto such Candidate, or other Person, as shall require the same as aforesaid.

And shall execute new Writs in the Room of Burgesses dead or disabled.

VIII. AND if, upon the Death or Incapacity of any Member or Members of the House of Burgesses, the Sheriff of any County shall receive a Writ for the Election of One or more Burgess or Burgesses, during the Session of the General Assembly; in such Case, he is hereby required to appoint such and so many Persons as to him shall seem fit, to give Notice thereof, and of the Time and Place of Election, unto every particular Freeholder residing within the County or Town for which such Election is to be made, which Election shall be made as soon as possible, in Manner as is herein before directed, and the Person or Persons

* * *Note*, The Stile is now altered by Act of Parliament, and instead of *England, Scotland*, ought to be *Great-Britain*.

Persons so elected, shall be returned in Form aforesaid. And if the Sheriff of any County, or in his Absence, the Under-Sheriff, (being thereunto required, before the Return be made, by any Candidate or Freeholder) shall refuse to take the Poll, or shall take it in other Manner than is herein directed, or shall refuse to give a Copy of the Poll as aforesaid, or shall make any false Return, or insufficient Return, or shall fail to make any Return, or shall make any Return in any other Form than is herein before directed, every such Sheriff, or Under-Sheriff as aforesaid, offending herein, or in any of these Cases respectively, shall forfeit and pay the Sum of Forty Pounds *Sterling*; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Protection, or Wager of Law, shall be allowed.

A. D. 1705.

Penalty on Sheriffs and Under-Sheriffs Refusal or Neglect.

IX. *AND be it further Enacted*, That the Sheriff of every County shall return every Writ to him directed for the Election of One or more Burgess or Burgesses, and shall cause the same to be safely delivered to the Clerk of the Secretary's Office for the Time being, or to such other Person as shall attend in the said Office, to receive the same, at least the Day before the Day mentioned in any such Writ for the Return thereof: And if any Sheriff shall neglect or fail performing his Duty herein, he shall forfeit and pay the Sum of Two Thousand Pounds of Tobacco; One Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Dominion, and the contingent Charges thereof; and the other Moiety thereof to him or them that will inform or sue for the same: To be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Protection, or Wager of Law, shall be allowed.

Returns shall be to the Secretary's Office.

Penalty.

X. *AND be it further Enacted, by the Authority aforesaid*, That no Person or Persons hereafter to be elected to serve in the General Assembly for any County, Town, or Corporation, within this Dominion, after the Test, or issuing out or ordering of the Writ or Writs of Election, upon the calling or summoning of any General Assembly hereafter, or after any Place becomes vacant hereafter, in the Time of this present, or any succeeding General Assembly, shall or do by himself or themselves, or by any other Ways or Means, on his or their Behalf, or at his or their Charge, before his or their Election to serve in the General Assembly for any County, Town, or Corporation, within this Dominion, directly or indirectly, give, present, or allow to any Person or Persons having Voice or Vote in such Election, any Money, Meat, Drink, Entertainment, or Provision; or make any Present, Gift, Reward, or Entertainment; or shall at any Time hereafter make any Promise, Agreement, Obligation, or Engagement, to give or allow any Money, Meat, Drink, Provision, Present, Reward, or Entertainment, to or for any such Person or Persons in particular, or to any such County, Town, or Corporation in general, or to or for the Use, Advantage, Benefit, Employment, Profit, or Preferment of any such Person or Persons, County, Town, or Corporation, in Order to be elected, or for being elected to serve in the General Assembly for any such County, Town, or Corporation.

No Candidate shall give or promise, *&c.* any Money, Treat, Present, Preferment, *&c.* to any Freeholder, County, or Corporation.

XI. *AND be it further Enacted and Declared*, That every Person or Persons so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be, and are hereby declared and enacted to be disabled and incapacitated, upon such Election, to serve in the General Assembly for such County, Town, or Corporation; and that such Person or Persons shall be deemed and taken, and are hereby declared and enacted to be deemed and taken no Members of the General Assembly, and shall not act, sit, or have any Vote or Place in the General Assembly; but shall be, and are hereby declared and

Persons making or promising Presents, *&c.* disabled to sit in the House of Burgesses.

enacted

A. D. 1705. enacted to be, to all Intents, Constructions, and Purposes, incapacitated, as if they had never been returned or elected Members of the General Assembly.

Election of Infants, or Persons not Freeholders, void. See Ch. 10, 1730.

XII. *AND be it further Enacted and Declared*, That no Person under the Age of One and Twenty Years, shall be capable of being elected to serve in the General Assembly; neither shall any Person be capable to be a Burgess for any County, unless at the Time of such Election, he shall be a Freeholder in the same County; but every such Election, shall be, and is hereby declared to be, illegal and void.

Privilege of the Members of the General Assembly.

XIII. *AND be it further Enacted and Declared*, That all and every Member and Members of the General Assembly are, and ought to be, and for ever hereafter shall be, in their Persons, Servants, and Estates, both Real and Personal, free, exempted, and privileged, from all Arrests, Attachments, Executions, and all other Process whatsoever, (save only for Treason, Felony, or Breach of the Peace,) during his or their Attendance upon the General Assembly, by the Space of Ten Days before the Beginning, and Ten Days after the Conclusion of every Session of Assembly: And if any Process shall be depending against any such Member or Members before his or their Election, such Process shall be stayed, and shall not be proceeded upon against such Member or Members, by the Space of Ten Days before and after every Session as aforesaid, and shall then be again revived, and may be prosecuted, as otherwise it might have been, without any Discontinuance or Abatement thereof, by Reason of such being stayed as aforesaid. And if at any Time hereafter, the General Assembly shall be prorogued or adjourned for any longer Time than Twenty Days; in such Case it shall be lawful to commence any Process against any Member or Members of the General Assembly: Provided always, that such Process be stayed as aforesaid, by the Space of Ten Days before and after every Session or Meeting, by Prorogation or Adjournment as aforesaid.

Burgesses Allowances; See Ch. 7, 1730.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That the Allowances for Burgesses attending at the General Assembly, shall be as followeth; that is to say, For every Burgess coming by Land, shall be allowed and paid by the County for which he serves, One Hundred and Thirty Pounds of Tobacco and Cask, a Day, besides the necessary Charge of Ferriage. And for every Burgess which cannot come to the General Assembly, otherwise than by Water, there shall be allowed and paid as aforesaid, One Hundred and Twenty Pounds of Tobacco and Cask, a Day. And over and above the said daily Allowances, there shall be paid and allowed, for going and returning to and from the General Assembly, as followeth; *to wit*, To every Burgess for the Counties of *James-City*, *York*, *Warwick*, *Elizabeth-City*, *New-Kent*, *Gloucester*, *Charles-City*, *Surry*, and *Isle of Wight*, the Allowance of One Day for coming, and One Day for returning. And to every Burgess for the Counties of *Henrico*, *Nansemond*, *Norfolk*, *Princess-Anne*, *King-William*, *Prince-George*, *King and Queen*, *Middlesex*, and *Essex*, the Allowance of Two Days for coming, and Two Days for returning. And to every Burgess for the Counties of *Lancaster* and *Richmond*, the Allowance of Three Days for coming, and Three Days for returning. And to every Burgess for the Counties of *Stafford*, *Northumberland*, *Westmoreland*, *Northampton*, and *Accomack*, the Allowance of Four Days for coming, and four Days for returning. And where the Burgesses come by Water, the Sheriff is hereby required and impowered, by Impressing, or otherwise, to provide a Boat and Two Men, to carry the Burgesses of his County respectively, to and from the General Assembly; for which Boat, Men, and their necessary Provision, shall be allowed and paid as aforesaid, Thirty Six Pounds of Tobacco for every Day, during the Time they are performing that Service. But forasmuch as the Burgesses for the Counties of *Accomack* and *Northampton* cannot come in a Boat to attend the General Assembly, therefore the Sheriff of each of those Two Counties is hereby required and impowered, by Impressing, or otherwise, to provide a Sloop and Men, to carry the Burgesses of his County respectively, to and from the

This Part repealed and altered by Ch. 14, 1736. Sect. 2.

the General Aſſembly; for which Sloop, Men, and their neceſſary Proviſions, ſhall be allowed and paid as aforeſaid, Sixty Pounds of Tobacco for every Day, during the Time they are performing that Service. *A. D.* 1705.

XV. *AND be it further Enacted, by the Authority aforeſaid,* That at the Time and Place of Election of Burgeſſes for any County within this Dominion, the Sheriff, or in his Abſence, the Under-Sheriff of ſuch County reſpectively, at the Door of the Court-houſe, by Proclamation to be there three Times made, between the Hours of One and Three of the Clock in the Afternoon, ſhall give public Notice of the Time appointed for a Court to be held, for receiving and certifying to the next Seſſion of the General Aſſembly the Propoſitions and Grievances, and the Public Claims of all and every Perſon and Perſons within his County; which Propoſitions and Grievances ſhall be ſigned by the Perſon or Perſons preſenting the ſame to the Court; and thereupon the chief Magiſtrate then preſent, or the Clerk, by the Direction of the Court, ſhall certify the ſame to the General Aſſembly, and ſhall deliver the ſame to the Burgeſſes for the County, to be by them preſented accordingly. And in like Manner, a Court for receiving and certifying Propoſitions and Grievances, and Public Claims as aforeſaid, ſhall be appointed and held in each County reſpectively, before every Seſſion of the General Aſſembly: And the Sheriff of the County is hereby required to cauſe public Notice to be given of the Time appointed for the holding ſuch Court, at every reſpective Church and Chapel within his County.

Propoſitions and Grievances. And Public Claims. To be certified to the Aſſembly. See Ch. 8, 1705. Notice.

XVI. *AND be it further Enacted,* That all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, for ſo much thereof as relates to regulating the Elections of Burgeſſes, or ſettling their Privileges, or aſcertaining their Allowances, is and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made. Repealing Cauſe.

Chap. 3. *An Act preſcribing the Method of appointing Sheriffs, and for limiting the Time of their Continuance in Office, and directing their Duty therein.* REP. Ch. 10, 1748.

4. *An Act declaring who ſhall not bear Office in this Country.* Repealed.

5. *An Act againſt importing Tobacco from* Carolina, *and other Parts without the Capes of* Virginia. REP. Ch. 43, 1748.

6. *An Act for aſcertaining the Gauge of Barrels, for Pork, Beef, Tar and Pitch.* REP. Ch. 49, 1748.

7. *An Act concerning Tithables.* REP. Ch. 21, 1748.

CHAP. VIII.

An Act concerning Public Claims.

I. BE *it Enacted, by the Governor, Council, and Burgeſſes, of this General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That a particular Court ſhall be held in every County within this Her Majeſty's Colony and Dominion, by the Juſtices of the reſpective Counties, at the Court-houſe, before every Seſſion of Aſſembly, for Proof of all ſuch Debts as are to be paid by the Public, which ſhall be none other than what are, or ſhall be ſo directed, by ſome particular Act of Aſſembly; and the ſaid Court ſhall be called a Court for Proof of Public Claims: And for holding the ſame, the Sheriff of every County is hereby ſtrictly required and enjoined to appoint a convenient Day; upon which Day, the Juſtices of the County are hereby impowered and required to

Before every Seſſion of Aſſembly a Court of Claims ſhall be held in each County. Sheriff to appoint the Day.

A. D. 1705. to meet, for the Purposes aforesaid; and the Sheriff and County Court Clerk are hereby also required to attend them.

Penalties on Justices, Sheriffs, & Clerks, failing to hold or attend the Court.

II. *AND be it further Enacted,* That if the Sheriff, or County Court Clerk, shall fail to give their respective Attendance at the Court appointed for Proof of Public Claims, the Sheriff, or Clerk, for such Failure, shall be fined One Thousand Pounds of Tobacco: And if any Justice of the Peace, for the County where such Court is appointed to be held, shall be absent from the said Court, and a sufficient Number of Justices be not there to make a Court, then every Justice so absent, without reasonable Cause, shall be fined the Sum of Five Hundred Pounds of Tobacco; the One Half of which Fines shall be to our Sovereign Lady the Queen, her Heirs and Successors, for the Use of the County; and the other Half to the Informer: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be admitted or allowed.

How Public Claims shall be proved.

III. AND to the End it may be ascertained, what Proof the said Courts shall take and allow, *Be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That every Person that hath any Public Claim to make, shall produce to the said Court, the Warrant or Certificate upon which the Claim is grounded, and shall exhibit a particular Account of the Services or Disbursements claimed for; and shall make Oath, or give some other sufficient Proof before the Court, that all and every the Services, Things, or Disbursements, for and concerning which such Claim is preferred and exhibited, are really, and *bona fide*, made, done, and performed, and that no Satisfaction hath been received for the same.

And certified.

IV. *AND be it further Enacted, by the Authority aforesaid,* That Proof of Public Claims being made as aforesaid, the Clerk of the County Court, in order to their Allowance in the Assembly, shall by the Burgesses of the County, transmit the said Claims, and every of them, to the Assembly, with the Warrants or Certificates upon which they and every of them are grounded; and also indorse, upon every particular Person's Claim, that Proof is made before the Court, concerning the same; or shall thereunto annex a Certificate thereof: All which, the said Clerk shall do, *ex Officio*, where it so happens, that any particular Persons allowed Claim, shall be under One Hundred Pounds of Tobacco; and for every Certificate upon an allowed Claim, amounting to that Sum, or more, the said Clerk (in full of all Fees for his Trouble and Certificate) shall be allowed Twenty Pounds of Tobacco, by the Country: *Provided,* the Claim be admitted in the Assembly, upon Examination there, to be a Charge which ought to be paid by the Country.

Clerk's Fee.

V. And for Prevention of such Frauds as may be imposed upon the Assembly, by Two Certificates for one and the same Thing, and avoiding all Occasion of looking far back to find out what Public Claims have been once allowed by the Assembly,

What Claims shall be rejected.

VI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That no Public Claim whatsoever, shall be hereafter allowed by the Assembly, which is not proved as aforesaid, and returned to the First or Second Session of Assembly, next after the same becomes due: And that every Person concerned in such Public Claims, shall ever afterwards be excluded and barred from the Benefit of this Act.

Sheriff shall be allowed for Public Services no Reward but what is given in the Table of his Fees.

VII. *AND be it also further Enacted, by the Authority aforesaid,* That no Sheriff whatsoever, within this Her Majesty's Colony and Dominion, shall, for the future, have from the Country any Allowance, Reward, or Satisfaction, for Public Services, more than the Laws appointing Sheriffs Fees do direct and give for such Service; and that all such Services of the Sheriff, as the

Laws

Laws are ſilent about, or provide no Reward or Allowance for, ſhall be done *ex Officio.* *A. D.* 1705.

VIII. AND for the better Direction of the Courts, appointed by this Act, to purſue and follow the ſame in every Reſpect, *Be it Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That all ſuch Courts ſhall, and they and every of them are hereby ſtrictly required and enjoined, to cauſe this Act to be duly read by their Clerk, at the firſt Opening of every ſuch Court. This Act to be read before every Court of Claims.

IX. *AND be it further Enacted,* That all and every other Act and Acts, and every Clauſe and Article thereof, heretofore made, for ſo much thereof as relates to Public Claims, or to any other Matter or Thing whatſoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made. Repealing Clauſe.

Chap. 9. *An Act concerning the Collection of the Public and County Levies, and for the better Payment of the ſame to the reſpective Creditors therein concerned.* REP. Ch. 18, 1748.

10. *An Act directing the building and maintaining of Priſons, Pillories, Whipping-poſts, Stocks, and Ducking-ſtools, in every County, and for ſettling the Rules of Priſons.* Repealed, Ch. 7, 1748.

11. *An Act for the ſpeedy and eaſy Proſecution of Slaves committing capital Crimes.* REP. Ch. 38, 1748.

12. *An Act to prevent the clandeſtine Tranſportation or carrying of Perſons in Debt, Servants and Slaves, out of this Colony.* REP. Ch. 22, 1748.

13. *An Act concerning Waifts and Strays.* REP. Ch. 44, 1748.

14. *An Act againſt ſtealing Hogs.* REP. Ch. 41, 1748.

15. *An Act for Prevention of Treſpaſſes by unruly Horſes, Cattle, Hogs, Sheep, and Goats, and by taking away Boats and Canoes.* REP. Ch. 20, 1748.

16. *An Act giving a Reward for killing of Wolves.* REP. Ch. 50, 1748.

17. *An Act for Encouragement of the Land Frontiers.* REP. Ch. 43, 1748.

18. *An Act directing the building an Houſe for the Governor of this Colony and Dominion.* EXP. Effected.

19. *An Act for eſtabliſhing the General Court, and for regulating and ſettling the Proceedings therein.* REP. Ch. 6, 1748.

20. *An Act for enlarging the Power of the Sheriff attending the General Court, and of the Conſtables of* Bruton *Pariſh.* REP. Ch. 6, 1748.

21. *An Act concerning the granting, ſeating, and planting, and for ſettling the Titles and Bounds of Lands, and for preventing unlawful ſhooting and ranging thereupon.* Repealed, Ch. 1, 1748.

22. *An Act directing the Duty of Surveyors of Land, and aſcertaining their Fees.* REP. Ch. 19, 1748.

Chap.

A. D. 1705.

Ch. 2, 1748. Chap. 23. *An Act declaring the Negroe, Mulatto, and* Indian *Slaves, within this Dominion, to be Real Estate.* REP.

Ch. 2, 1723. 24. *An Act for settling the Militia.* REP.

Ch. 43, 1748. 25. *An Act to prevent* Indians *hunting and ranging upon patented Lands.* REP.

By Proclam. *June* 20, 1708. 26. *An Act for raising a public Revenue, for the better Support of the Government of this Her Majesty's Colony and Dominion of* Virginia, *and for ascertaining the Salary of the Council.* REP.

Ch. 36, 1748. 27. *An Act for preventing Frauds in the Customs, and in clearing of Ships; for ascertaining Collectors aud Naval Officers Fees; and to prohibit and prevent the casting of Ballast, and dead Bodies, into Rivers and Creeks.* REP.

CHAP. XXVIII.

An Act for the continuing of General Assemblies, in case of the Death or Demise of Her Majesty, her Heirs or Successors; and for making valid all Acts of the Governor and Council, and all Judgments and Proceedings at Law, which shall happen between the Death of any King or Queen of England, *and the Notification thereof in this Country.*

Preamble.

I. WHEREAS, by Reason of the great Distance of this Colony and Dominion of *Virginia* from our Mother Kingdom of *England*, there may happen to be a considerable Space of Time between the Death or Demise of the King or Queen, for the Time being, and the Proclamation of his or her Successor in this Colony and Dominion: For preventing the many Mischiefs, Inconveniences, and unnecessary Charges, which may happen or be occasioned, by Reason of such Interval;

General Assemblies not dissolved by the Death of the King, but may continue and be holden according to Summons, or Prorogation, within Six Months after such Demise, unless sooner dissolved by the Governor.

II. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That this present General Assembly, or any other General Assembly, which shall hereafter be summoned and called, under the Authority of Her Majesty Queen *Anne*, her Heirs and Successors, by the Governor, Lieutenant-Governor, or Commander in Cheif, by and with the Advice and Consent of the Council of State, of this Her Majesty's Colony and Dominion, or by the President and Council, for the Time being, shall not determine or be dissolved, by the Death or Demise of Her said Majesty, her Heirs or Successors; but that such Assembly shall, and is hereby enacted to continue, and be impowered to meet, convene, and sit, according to the Writs or Summons, whereby the said Assembly was, or shall be convened; and to act, notwithstanding such Death or Demise, for and during the Time of Six Months and no longer; unless the same shall, by such Governor, Lieutenant-Governor, Commander in Chief, or President and Council, be sooner prorogued or dissolved: And if the said General Assembly shall be so prorogued, then it shall meet and sit, on and upon the Day unto which it shall be prorogued, and continue for the Residue of the said Time of Six Months, unless sooner prorogued or dissolved, as aforesaid.

III.

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III. *AND be it alſo Enacted*, That all Acts, Deeds, and Sentences, of the Governor, Lieutenant Governor, Commander in Chief, or Preſident and Council, in this Colony and Dominion, for the Time being, which he or they might lawfully do, ſign, or paſs, during the Life of the King or Queen, for the Time being, ſhall be valid, to all Intents and Purpoſes in Law, although the ſame happen to be acted, done, or ſigned, after the Death of the ſaid King or Queen, and before the ſaid Death is by Proclamation publicly notified in this Country: As alſo, all Acts of the Council, Judgments of all Courts, Acts of Juſtices of the Peace, and all other Officers, Civil and Military, within this Colony and Dominion, which they might lawfully do, or paſs, during the Life of the King or Queen, for the Time being, be valid, to all Intents and Purpoſes in Law, although the ſame happen to be acted after the Death of the ſaid King or Queen, and before the Notification thereof, by the Government, in this Colony and Dominion. And that all Treaſons, Rebellions, and all other Crimes whatſoever, committed, or which ſhall be committed, during the ſaid Time, ſhall be puniſhable, to all Intents, as if the King or Queen had been actually alive at the Time of the committing thereof. All Acts of Government, Civil and Military, paſſed after the Death of the King, and before Proclamation of his Succeſſor, valid; and all Offences againſt the Crown, puniſhable.

IV. *PROVIDED always, and it is hereby Declared*, That nothing in this Act contained, ſhall extend, or be conſtrued to extend, to alter or abridge the Power of the Governor, Lieutenant Governor, or Commander in Chief, or Preſident and Council, of this Colony and Dominion, for the Time being, here, to prorogue or diſſolve this or any other General Aſſembly, in this Dominion, within the ſaid Six Months, or at any other Time: Nor to limit the Governor, Lieutenant Governor, Commander in Chief, or Preſident and Council, for the Time being, in the Execution of any Inſtructions he or they ſhall receive from the ſucceeding King or Queen of *England*, relating to the Prorogation or Diſſolution of Aſſemblies. Proviſo.

Chap. 29. *An Act for laying an Impoſition upon Skins and Furrs; for the better Support of the College of* William *and* Mary, *in* Virginia. REP. Ch. 35, 1748.

CHAP. XXX.

An Act for the effectual Suppreſſion of Vice, and Reſtraint and Puniſhment of blaſphemous, wicked, and diſſolute Perſons.

See Chap. 2, 1730, and Ch. 2, 1744.

I. BE *it Enacted, by the Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That if any Perſon or Perſons, brought up in the Chriſtian Religion, ſhall, by Writing, Printing, Teaching, or adviſedly Speaking, deny the Being of a God, or the Holy Trinity, or ſhall aſſert or maintain there are more Gods than One, or ſhall deny the Chriſtian Religion to be true, or the Holy Scriptures of the Old and New Teſtament to be of Divine Authority, and be thereof lawfully convicted, upon Indictment, or Information, in the General Court of this Her Majeſty's Colony and Dominion; ſuch Perſon or Perſons, for the Firſt Offence, ſhall be adjudged incapable, or diſabled in Law, to all Intents and Purpoſes whatſoever, to hold and enjoy any Office or Employment, Eccleſiaſtical, Civil, or Military, or any Part in them, or any Profit or Advantage to them appertaining, or any of them: And if any Perſon or Perſons, ſo convicted, as aforeſaid, ſhall, at any Time of his or their Conviction, enjoy or poſſeſs any Office, Place or Employment, ſuch Office, Place or Employment, ſhall be void, and is hereby declared void: And if ſuch Perſon or Perſons ſhall be a Second Time lawfully convicted, as aforeſaid, of all or any of the Puniſhment of Atheiſm, Deiſm, or Infidelity. Firſt Offence. 2d Offence.

Q Crimes

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Crimes aforesaid, that then he, she, or they, shall from thenceforth be disabled to sue, prosecute, plead, or use any Action or Information, in any Court of Law or Equity, or to be Guardian to any Child, or to be Executor or Administrator of any Person, or capable of any Deed of Gift or Legacy, or to bear any Office, Civil or Military, for ever, within this Her Majesty's Colony and Dominion; and shall also suffer, from the Time of such Conviction, Three Years Imprisonment, without Bail or Mainprise.

Information for Words, within one Month, and Prosecution within twelve Months thereafter.

II. *PROVIDED always, and be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That no Person shall be prosecuted, by Virtue of this Act, for any Word spoken, unless Information, upon Oath, be given in, of the Words, before one or more Justice or Justices of the Peace, within One Month after such Words spoken, and the Prosecution of such Offence be within Twelve Months after such Information.

But Persons making public Recantation, within six Months after their Conviction, discharged from the Penalties and Disabilities.

III. *PROVIDED also, and be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Person or Persons convicted the First Time, of all, or any of the aforesaid Crimes, in Manner aforesaid, shall, within the Space of Six Months after his, her, or their Conviction, make his, her, or their public Acknowldgement and Renunciation of such Offence, or erroneous Opinions, in the same Court where such Person or Persons was or were convicted, that then, he, she, or they, shall be thence freed and discharged from all Penalties and Disabilities incurred by such Conviction; any Thing in this Act to the contrary, in any-wise, notwithstanding.

Punishment of prophane Swearing, or Cursing, and of Drunkenness.

IV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Person or Persons shall profanely swear or curse, or shall be drunk, he, she, or they, so offending, for every such Offence, being thereof convicted, by the Oath of one or more Witnesses, which Oath, any Justice of the Peace is hereby impowered and required to administer, (or by Confession before one or more Justice or Justices of the Peace in the County where such Offence shall be committed,) shall forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence; or if the Offence or Offences be committed in the Presence and Hearing of one or more Justice or Justices of the Peace, or in any Court of Record in this Her Majesty's Colony and Dominion, the same shall be a sufficient Conviction, without any other Evidence; and the said Offender shall, upon such Conviction, forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco, for every such Offence: And if any Person or Persons, shall refuse to make present Payment, or give sufficient Caution for the Payment of the same, at the laying of the next Parish Levy after the said Offence committed, then the said Fines and Penalties shall be levied upon the Goods of such Person or Persons, by Warrant or Precept, from any Justice of Peace before whom the same Conviction shall be; which Warrant may be directed to the Sheriff of the County, or to the Constable in his respective Precinct, to be appraised and valued, as in other Distresses: And if the Offender or Offenders be not able to pay the said Sum or Sums, then he, she, or they, shall have and receive Ten Lashes upon his or her bare Back, well laid on, for every such Offence.

Prosecution in 2 Months.

V. *PROVIDED always,* That every Prosecution, by Virtue of this Act, for Swearing, Cursing, or for being drunk, shall be made within Two Months after the Offence committed, and not afterwards.

VI. AND to the End, that the Lord's Day, commonly called *Sunday*, may be kept Holy,

Punishment of Persons not coming to Church once a Month,

VII. *BE it Enacted, and it is hereby Enacted, by the Authority aforesaid,* That if any Person, being of the Age of Twenty One Years, or upwards, shall wilfully absent him or her self from Divine Service at his or her Parish Church

or

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or Chapel, the Space of One Month, (excepting as is excepted in an Act of Parliament passed in the First Year of King *William* and Queen *Mary*, intituled, *An Act for exempting their Majesty's Protestant Subjects dissenting from the Church of* England, *from the Penalties of certain Laws*;) and shall not, when there, in a decent and orderly Manner continue till the said Service is ended; and if any Person shall, on that Day, be present at any disorderly Meeting, Gaming, or Tippling, or shall, on the said Day, make any Journey, and travel upon the Road, except to and from Church, (Cases of Necessity and Charity excepted,) or shall on the said Day, be found working in their Corn or Tobacco, or any other Labour of their ordinary Calling, other than is necessary for the Sustenance of Man and Beast; every Person failing or making Default in any of the Premises, and being lawfully convicted, by Confession, or otherwise, before one or more Justice or Justices, of the Peace of the County wherein such Offence shall be committed, (so that Prosecution be made within Two Months after such Default,) shall forfeit and pay, for every such Offence, the Sum of Five Shillings, or Fifty Pounds of Tobacco: And if any Person or Persons herein offending, shall refuse to make present Payment, or give sufficient Caution for the Payment of the F ne at the laying of the next Parish Levy after such Offence committed, each Party so offending, and not paying or giving Security as aforesaid, shall, by Order of such Justice or Justices before whom such Conviction shall be, receive on his or her bare Back, Ten Lashes, well laid on.

and duly attending divine Service there, except Protestant Dissenters, or present on a *Sunday* at any Gaming, Tippling, or disorderly Meeting; or travelling on the Road, or working, except in Cases of Necessity.

Prosecution in 2 Months.

VIII. *And be it also further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Person, not being a Servant or Slave, committing Adultery or Fornication, and being thereof lawfully convicted, by the Oaths of Two or more credible Witnesses, or Confession of the Party, shall, for every Offence of Adultery, forfeit and pay One Thousand Pounds of Tobacco, and Cask; for every Offence of Fornication, Five Hundred Pounds of Tobacco, and Cask: To be recovered by the Suit or Prosecution of the Churchwarden or Churchwardens of the Parish wherein such Offence shall be committed, by Bill, Plaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed. And if any Person or Persons offending herein, shall refuse to make present Payment, or give sufficient Caution for the Payment of the Fine, at the laying of the next Parish Levy after such Conviction, each Party so offending, and not paying or giving Security as aforesaid, shall receive on his or her bare Back, at the public Whipping-Post, Twenty Five Lashes, well laid on.

Punishment of Adultery, or Fornication.

IX. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared*, That all the Fines and Forfeitures in this Act mentioned, shall be paid to the Churchwardens of that Parish wherein the Offence shall be committed; who shall be accountable for the same, to the Vestry, for the Use of the Poor of the Parish: Which said Vestry shall Annually, on *Easter Tuesday*, if fair, (if not, the next fair Day,) at the Parish Church, distribute the said Fines and Forfeitures, according to their Discretion, among the Poor of their Parish.

Fines appropriated, and to be distributed to the Poor.

X. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall be publicly read Two several Times in the Year, in all Parish Churches and Chapels within this Colony, by the Minister, Clerk, or Reader of each Parish, immediately after Divine Service; that is to say, On the First or Second *Sunday* in *April*, and on the First or Second *Sunday* in *September*, under the Penalty of Twenty Shillings for every such Omission and Neglect; and the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

This Act shall be read in Churches, twice a Year.

Penalty on Failure.

XI. *PROVIDED always*, That nothing therein contained, shall be construed to exempt any Clergyman within this Colony, who shall be guilty of any of the Crimes herein before-mentioned, from such further Punishment as might have

Clergymen, convict by this Act, not exempted from further Punishments.

A. D. 1705. have been inflicted on him for the same, before the making of this Act; any Thing herein contained, to the contrary, notwithstanding.

Repeal of former Acts. XII. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the Suppression of Vice, or Restraint and Punishment of blasphemous, wicked, and dissolute Persons, is, and are hereby repealed, and made void, to all Intents and Purposes, as if the same had never been made.

Ch. 39, 1748. Chap. 31. *An Act for Security and Defence of the Country in Times of Danger.* REP.

Ch. 11, 1748. 32. *An Act concerning Juries.* REP.

Ch. 3, 1748. 33. *An Act for the Distribution of Intestates Estates; declaring Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates.* REP.

By Proclamation, *April* 15, 1730. 34. *An Act declaring how long Judgments, Bonds, Obligations, and Accounts, shall be in Force; for the Assignment of Bonds and Obligations, directing what Proof shall be sufficient in such Cases; and ascertaining the Damage upon protested Bills of Exchange.* REP.

Repealed, Ch. 9, 1748. 35. *An Act for Limitation of Actions and avoiding of Suits.*

Ch. 6, 1748. 36. *An Act for Attornies prosecuting Suits on Behalf of Persons out of the Country, to give Security for the Payment of such Costs and Damages as shall be awarded against them.* REP.

Ch. 12, 1748. 37. *An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt.* REP.

Ch. 13, 1748. 38. *An Act for removing Criminals from the Goals of the Counties where they shall be apprehended to the public Goal at* Williamsburg. REP.

Ch. 28, 1748. 39. *An Act for making, clearing, and repairing the Highways, and for clearing Rivers and Creeks.* REP.

Ch. 30, 1748. 40. *An Act for regulating Ordinaries, and Restraint of Tippling-houses.* REP.

Repealed, Ch. 26, 1748. 41. *An Act for Encouragement of building Water-Mills.*

By Proclamation, *July* 5, 1710. 42. *An Act for establishing Ports and Towns.* REP.

CHAP. XLIII.

An Act continuing the Act, directing the building the Capitol *and the City of* Williamsburg; *with Additions.*

Preamble. I. WHEREAS, by an Act made at a General Assembly, begun at *James* City, the Twenty Seventh Day of *April*, and in the Eleventh Year of His late Majesty's Reign, intituled, *An Act directing the building the Capitol, and*

and the City of Williamsburg, it is Enacted, that Whereas the State-House, where the General Assemblies and General Courts for this His Majesty's Colony and Dominion of *Virginia*, were kept and held, hath been unhappily burnt down; and it being of absolute Necessity that another Building be erected, with all the Expedition possible, for the convenient sitting and holding of the General Assemblies and Courts, at a healthy, proper, and commodious Place, suitable for the Reception of a considerable Number and Concourse of People, that of Necessity must resort to the Place where the General Assemblies will be convened, and where the Council and supreme Court of Justice for this His Majesty's Colony and Dominion will be held and kept: *A. D.* 1705.

AND forasmuch as the Place commonly called and known by the Name of the *Middle Plantation*, hath been found, by constant Experience, to be healthy, and agreeable to the Constitutions of the Inhabitants of this His Majesty's Colony and Dominion, having the Natural Advantage of a serene and temperate Air, dry and champaign Land, and plentifully stored with wholsome Springs, and the Conveniency of Two Navigable and Pleasant Creeks, that run out of *James* and *York* Rivers, necessary for the supplying the Place with Provisions and other Things of Necessity,

II. *BE it therefore Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and the Authority thereof, and it is hereby Enacted*, That Four Hundred Seventy Five Feet square of Land, lying and being at the said *Middle Plantation*, which hath been already agreed upon by his Excellency the Governor, Council, and Burgesses of this present General Assembly, to be taken up and surveyed, as a convenient Place for such Uses, be the Ground appropriated to the only and sole Use of a Building for the General Assemblies and Courts to be held and kept in: And that the said Building shall for ever hereafter be called and known by the Name of the CAPITOL of this his Majesty's Colony and Dominion of *Virginia*; and that the Space of Two Hundred Feet of Ground, every Way from the said Capitol, shall not be built upon, planted or occupied, for ever, but shall be wholly and solely appropriated and kept for the said Use, and to no other Use or Purpose whatsoever.

475 Feet Square appropriated for a Building.

Named The CAPITOL.

200 Feet round the same, not to be built upon, or occupied.

III. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the said Capitol shall be erected and built in Manner and Form according to the Rules and Dimensions following; *viz.* That the said Building shall be made in this Form and Figure H; that the Foundation of the Building shall be Four Bricks thick, up to or near the Surface of the Ground; and that the Walls of the said Building, from thence, shall be Three Bricks and a Half thick, to the Water Table; and from the Water Table, to the Top of the First Story, Three Bricks thick; and from thence to the Top of the Second Story, Two Bricks and a Half thick; the Length of each Side or Part of which Building shall be Seventy Five Feet, from Inside to Inside; the Breadth thereof, Twenty Five Feet, from Inside to Inside; and the First Story of each Part or Side, shall be Fifteen Feet Pitch, One End of each Side or Part of which shall be Semi-circular, and the lower Rooms at the said End, Fifty Feet long, and shall be parted by a Wall, from the rest of the Building, on each Side or Part; which other Part shall be divided into Four Divisions, whereof One to be for a large and handsome Staircase: That the middle of the Front, on each Side of the said Building, shall have a Circular Porch, with an Iron Balcony upon the First Floor over it, and great folding Gates to each Porch, of Six Feet Breadth both; and that Four Galleries shall be in the Room below, that shall be called the General Court-House; the Upper Story of each Side to be Ten Feet Pitch, and be divided as shall be directed by the Committee appointed to revise the Laws: That the Two Parts of the Building shall be joined by a cross Gallery of Thirty Feet long, and Fifteen Feet wide each Way, according to the Figure herein before specified, raised upon Piazzas, and built as high as the other Parts of the Building; and in the Middle thereof, a Cupola to surmount the rest of the Building, which shall have a Clock placed in it; and on the Top of the said

The Form and Dimensions of the Building.

 Cupola

A. D. 1705.

Cupola ſhall be put a Flag upon Occaſion: That the Windows to each Story of the Building, ſhall be Saſh Windows; and that the Roof, ſhall be a Hip Roof, with Dormant Windows; and ſhall be well ſhingled with Cyprus Shingles; and that the great Room below, of each Building, ſhall be laid with Flag Stones: One Part or Side of which Building, ſhall be, and is hereby appropriated to the Uſe of the General Court, and Council, for the holding and keeping of the ſaid General Court, and Council, therein, and the ſeveral Offices thereto belonging; and the other Part or Side of the ſaid Building, ſhall be and is hereby appropriated to the Uſe of the Houſe of Burgeſſes, and the Officers thereof, and to no other Uſe or Uſes whatſoever.

One Part appropriated to the Uſe of the General Court and Council, the other to the Uſe of the Houſe of Burgeſſes.

A Committee appointed to inſpect the Building, and to contract with Undertakers.

IV. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That the Committee appointed for the Reviſal of the Laws, are hereby impowered and required, from Time to Time, to inſpect and overſee the ſaid Building, until it ſhall be finiſhed; and to covenant and agree with ſuch and ſo many Undertakers or Overſeers of the ſaid Building, as they ſhall think fit, and to give ſuch neceſſary Orders and Directions therein, from Time to Time, as they ſhall ſee Cauſe, for the Carrying on, Furtherance, and Finiſhing of the ſaid Work, according to the aforeſaid Rules and Dimenſions; and that the ſaid Committee be likewiſe impowered, by Virtue of this Act, on the Public Account and Riſque, to ſend for, out of *England*, Iron Work, Glaſs, Paint, Stone, and all other Materials, as they ſhall think neceſſary, for and towards the Carrying on and Finiſhing the ſaid Building.

And to ſend for Materials from *England*.

And to receive of the Treaſurer, 2000 *l. Sterling*.

V. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That the ſaid Committe, as often as they ſhall have Occaſion for Money for the Uſes aforeſaid, ſhall, from Time to Time, apply themſelves to the Governor, or Commander in Chief, for the Time being, to iſſue out his Warrant to the Treaſurer of this His Majeſty's Colony and Dominion, requiring him to pay ſo much Money as they ſhall have Occaſion for, not exceeding the Sum of Two Thouſand Pounds *Sterling*; who is hereby impowered and required to deliver and pay the ſame to the ſaid Committee, upon ſuch Warrant: Which ſaid Sum or Sums, the ſaid Committee ſhall account for to the next Meeting of the Aſſembly, and alſo make Report of their Proceedings in the building of the ſaid Capitol.

And to account & make Report to the next Seſſion.

The Neceſſity of a Town, near the Capitol.

VI. AND foraſmuch as the General Aſſemblies, and General Courts, of this His Majeſty's Colony and Dominion, cannot poſſibly be held and kept at the ſaid Capitol, unleſs a good Town be built and ſettled adjacent to the ſaid Capitol, ſuitable for the Accommodation and Entertainment of a conſiderable Number of Perſons, that of Neceſſity muſt reſort thither: And whereas, in all Probability, it will prove highly advantageous and beneficial to his Majeſty's Royal College of *William* and *Mary*, to have the Conveniencies of a Town near the ſame,

And its Conveniency to the College of *William* and *Mary*.

283 Acres of Land appropriated for a City.

VII. *BE it therefore Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That Two Hundred Eighty Three Acres, Thirty Five Poles and a Half of Land, ſituate, lying, and being at the *Middle Plantation*, in *James-City* and *York* Counties, bounded according to the Draught, Plot, or Survey made, by the Order of the Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and now lying in the Aſſembly-Office of this His Majeſty's Colony and Dominion, ſhall be and is hereby reſerved and appropriated for the only and ſole Uſe of a City to be there built and erected, and to no other Uſe, Intent, or Purpoſe whatſoever.

220 Acres ſet a-part for Buildings.

VIII. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That Two Hundred and Twenty Acres of the ſaid Land, according to the Bounds of the aforeſaid Draught or Plot, ſhall be and is hereby appointed and ſet apart for Ground, on which the ſaid City ſhall be built and erected, according to the Form and Manner laid down in the ſaid Draught or Plot; which ſaid

The City to be called *Williamſburg*. *Queen*'s Road. Queen *Mary*'s Port. *Princeſs* Road. Princeſs *Anne* Port.

ſaid City, in Honour of our moſt gracious and glorious King *William*, ſhall be for ever hereaſter called and known by the Name of The City of *Williamſburg*: And Fifteen Acres, Forty Four Poles and a Quarter, of Land, according to the aforeſaid Draught or Plot, ſhall be and is hereby appointed and ſet a-part for a Road or Way from the ſaid City, to the Creek, commonly called or known by the Name of *Queen*'s Creek, running into *York* River: And Fourteen Acres, Seventy One Poles and a Quarter, of Land, according to the aforeſaid Draught or Plot, lying on the ſaid *Queen*'s Creek, ſhall be and is hereby appointed and ſet a-part for a Port, or Landing Place, for the ſaid City of *Williamſburg*, on the ſaid Creek; which ſaid Port or Landing Place, in Commemoration of the late Queen *Mary*, of bleſſed Memory, ſhall for ever hereafter be called and known by the Name of Queen *Mary*'s Port; and the afore-mentioned Road or Way leading thereto, ſhall be called *Queen*'s Road: And Ten Acres Forty Two Poles and a Half of Land, according to the aforeſaid Draught or Plot, ſhall be and is hereby appointed and ſet a-part for a Road or Way from the ſaid City of *Williamſburg*, to the Creek commonly called and known by the Name of *Archer's Hope* Creek, running into *James* River; which ſaid Creek, ſhall for ever hereafter be called and known by the Name of *Princeſs* Creek: And Twenty Three Acres, Thirty Seven Poles and a Half, of Land, according to the aforeſaid Draught or Plot, lying upon the ſaid *Princeſs* Creek, ſhall be and is hereby appointed and ſet a-part for a Port or Landing Place, for the ſaid City of *Williamſburg*, on the ſaid Creek; which ſaid Port or Landing Place, in Honour of Her Royal Highneſs the Princeſs *Anne* of *Denmark*, ſhall be called and known by the Name of Princeſs *Anne* Port for ever hereafter; and the afore-mentioned Road or Way leading thereto, ſhall be called *Princeſs* Road.

The 220 Acres to be laid out in Lots of ½ an Acre each. Every Lot to be built upon. Directions for the Streets and Buildings.

IX. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted*, That the Ground or Land, by Virtue of this Act, ſet a-part for the Uſe of the ſaid City of *Williamſburg*, ſhall be laid out and proportioned into Half Acres; every of which Half Acre ſhall be a diſtinct Lot of Ground, to build upon, in Manner and Form as is hereafter expreſſed; (that is to ſay,) That whoſoever ſhall build in the main Street of the ſaid City of *Williamſburg*, as laid out in the aforeſaid Draught or Plot, ſhall not build a Houſe leſs than Ten Feet Pitch, and the Front of each Houſe ſhall come within Six Foot of the Street, and not nearer; and that the Houſes in the ſeveral Lots in the ſaid main Street ſhall front alike; which ſaid Street, in Honour of his Highneſs *William*, Duke of *Gloceſter*, ſhall for ever hereafter be called and known by the Name of *Duke of Gloceſter* Street: And that the other Streets and Lanes ſhall be built in ſuch Manner, and according to ſuch Rules and Orders as ſhall be given and made by the Directors, by Virtue of this Act, hereafter appointed, or by the Incorporation of the Mayor, Aldermen, and Commonalty of the City of *Williamſburg*.

For Satisfaction to be made to the Proprietors of the Lands.

X. AND to the End, reaſonable Satisfaction may be paid, allowed, and given, for all ſuch Land and Ground, as by Virtue of this Act is taken up, and appropriated to the Uſes aforeſaid,

The Governor to iſſue Warrants to the Sheriffs to impannel a Jury of 12 Freeholders. The Jury to value the Lands of the reſpective Proprietors. And to return ſuch Valuation to the Secretary's Office. After ſuch Valuation & Return the Lands veſted in Truſtees, who ſhall enter;

XI. *BE it Enacted, by the Authority aforeſaid, and it is hereby Enacted*, That his Excellency the Governor, or the Governor or Commander in Chief, for the Time being, is hereby impowered and deſired to iſſue out his Warrants to the ſeveral Sheriffs of *James-City*, *York*, and *New-Kent* Counties, commanding them reſpectively to impannel Four of the moſt able and diſcreet Freeholders in each of their Bailiwicks, no Ways concerned in Intereſt in the ſaid Land, or any Ways related to the Owners or Proprietors thereof, to meet at ſuch Time, as he ſhall think fit; who ſhall be ſworn by ſuch Perſon or Perſons as he ſhall appoint; and upon their Oaths, value and appraiſe the ſaid Land or Ground, in ſo many ſeveral and diſtinct Parts and Parcels, as ſhall be owned and claimed therein, by ſeveral and diſtinct Owners, Proprietors, and Claimers thereof: And after ſuch Valuation and Appraiſment ſo made, the ſaid Jury ſhall forthwith return the ſame, under their Hands and Seals, to the Secretary's Office of this His Majeſty's Colony and Dominion: And after ſuch Valuation and Return made as aforeſaid, the Feoffees or Truſtees, by Virtue of this Act, hereafter appointed,

A. D. 1705.

enter, & thereupon stand seised of an Estate in Fee, in Trust.

Entry of the Trustees declared good in Law, against the Proprietors, &c. whether consenting, or disabled by Nonage, Coverture, &c.

shall enter; and immediately, upon such Entry made, the said Feoffees or Trustees, and every of them, shall be vested with, and seised of and in, a pure, absolute, perfect, and indefeasible Estate of Inheritance in Fee, in Trust to and for the Intents, Uses, and Purposes hereafter mentioned; and shall be binding and effectual in Law, (without further or other Act or Acts) to all Intents and Purposes, against all and every the said Owners, Claimers, and Proprietors, (whether they be capable of consenting thereto, or disabled by Nonage, Coverture, Intail, or other Impediments,) and all and every their Heirs, Executors, Administrators, and Assigns, for ever, or any Claimer or Pretender thereto.

Proviso, The Jury to have Regard to the respective Interests and Estates in the Lands.

XII. *PROVIDED always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the said Jury, in the said Valuation, shall have due Regard to the respective Interests and Estates in the same; and shall make a Valuation and Estimation thereof, accordingly.

Trustees appointed.

XIII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That *Lewis Burwell*, *Philip Ludwell*, Junior, *Benjamin Harrison*, Junior. *James Whaley*, *Hugh Norwell*, and *Mongo Ingles*, Gentlemen, shall be and are hereby nominated and appointed Feoffees or Trustees of the Land appropriated to the Uses aforesaid: Which said Feoffees or Trustees, in Manner aforesaid, shall Have, Hold, and Enjoy, a good, pure, absolute, and indefeasible Estate in Fee, of and in the aforesaid Two Hundred Eighty Three Acres, Thirty Five Poles and a Half of Land; in special Trust and Confidence, to and for the Uses hereafter mentioned, (that is to say) To the Uses, Intents, and Purposes, that the said Feoffees and Trustees, or any Two or more of them, shall, out of Two Hundred and Twenty Acres of the said Land hereby appropriated for the Use of the said City of *Williamsburg*, convey and assure, in Fee, unto any Person requesting the same, and paying the said Feoffees or Trustees, the first Cost of the Purchase thereof, and Fifty *per Cent.* Advance, One or more Half Acre, or Half Acres, of the said Land or Ground, by such good and sufficient Deed, and Assurance, in the Law, unto such Person or Persons, their Heirs and Assigns, for ever, as by such Person or Persons, or their Council learned in the Law, shall be required.

The Lands vested in the Trustees for the Uses expressed in the Act.

Sales to be made by the Trustees.

Proviso, Purchasers to build a good House on each Lot.

XIV. *PROVIDED always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if such Grantee, his Heirs or Assigns, shall not, within the Space of Twenty Four Months, next ensuing the Date of such Grant, begin to build, and finish, on each Half Acre or Lot so granted, One good Dwelling House, containing Twenty Feet in Wedth, and Thirty Feet in Length, at the least (if in the main Street, called *Duke of Glocester* Street, of Ten Feet Pitch, and within Six Feet of the Street,) if in any other Place, according to the Rules and Directions that shall be given by the Directors hereafter appointed; that then such Grant and Conveyance, so made, shall be utterly void, and null in Law; and the Lands therein granted, liable to the Choice and Purchase of any other Person or Persons, and shall be immediately re-invested in the said Trustees or Feoffees, to the Uses aforesaid, in as full and ample Manner, as if the same had never been disposed of.

On Default of building, as by this Act directed, all Grants to be void, and the Lands re-invested in the Trustees, and may be purchased by any other Person.

The Proprietors of the Lands to be paid by the Public, at the next Session of Assembly, according to the Valuation of the Jury.

XV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the Costs and Charges of the Purchase of the said Two Hundred Eighty Three Acres, Thirty Five Poles and a Half of Land, shall be paid and satisfied by the Public, at the next Session of Assembly, to the several and respective Proprietors and Owners thereof, according to the Valuation and Appraisement made, in Manner as is before expressed: And also, that the aforesaid Feoffees and Trustees shall render an Account of the Produce and Profits of the several Half Acres, or Lots of Land, by them sold, in Manner aforesaid, to the next General Assembly; which shall be then allowed and disposed of, for the Reimbursement of the Public, in the first Purchase of the said Land; and until the same be fully paid and reimbursed, and to no other Use, Intent, or Purpose whatsoever.

The Trustees to render to the next Assembly an Account of the Sales. To be applied to the re-imbursing the Public.

XVI.

A. D. 1705.

XVI. *PROVIDED always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That in case of the Death, Removal out of the Country, or into remote Parts, or other legal Disability, of one or more of the said Feoffees or Trustees, His Excellency the Governor, or the Governor or Commander in Chief, for the Time being, is hereby impowered and desired to nominate such and so many Feoffees or Trustees, as shall, from Time to Time, be under the Number of Six: Which said Feoffees or Trustees, so nominated and appointed, shall be immediately vested with equal Right and Title to the aforesaid Land and Ground, to the Uses aforesaid, as the Feoffees or Trustees appointed by Virtue of this Act, might or could have, or as if they were by this Act particularly nominated and appointed.

On Death, or Removal out of the Country, of any of the Trustees, the Governor to appoint Successors.

XVII. *PROVIDED likewise, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Lots at the aforementioned Ports or Landings shall be proportioned at the Discretion of the Directors hereafter mentioned: *Provided,* That each Lot shall not exceed Sixty Feet Square; which said Lots shall be disposed of in Manner aforesaid, and the Produce thereof to be accounted for, by the said Feoffees or Trustees, in Manner as is before expressed; any thing in this Act to the contrary, in any-wise, notwithstanding.

Lots at the Ports not to exceed 60 Feet Square. Trustees to account for the Produce.

XVIII. *PROVIDED also,* That a sufficient Quantity of Land at each Port or Landing Place shall be left in Common, at the Discretion of the Directors hereafter appointed.

Proviso, Common reserved at each Port.

XIX. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That it shall and may be lawful to and for His Excellency the Governor, and to and for His Majesty's Governor, or Commander in Chief of this His Majesty's Colony and Dominion, for the Time being, by Letters Patents, under the Seal of this His Majesty's Colony and Dominion, to incorporate all and every Person and Persons, who, from Time to Time, or at any Time hereafter, shall have an Interest, Freehold, or Habitation, in the said City, to be One Body Politic and Corporate, by the Name of the Mayor, Aldermen, and Commonalty of the City of *Williamsburg*; and by that Name, to have perpetual Succession, and a common Seal; and that they, and their Successors, by the Name aforesaid, shall be able and capable in Law, to Have, Purchase, Receive, Enjoy, Possess, and Retain to Them and their Successors for ever, any Lands, Rents, Tenements, and Hereditaments, of what Kind, Nature, or Quality soever; and also to Sell, Grant, Demise, Alien, or Dispose of the same: And by the same Name, to sue and implead, be sued and impleaded, answer, and be answered, in all Courts of Record, and any other Place whatsoever: And from Time to Time, under their common Seal, to make and establish such By-Laws, Rules and Ordinances, (not contrary to the Laws and Constitutions of *England,* and this His Majesty's Colony and Dominion) as shall by them be thought requisite and necessary for the good Ordering and Government of such Persons as shall, from Time to Time, reside within the Limits of the said City and Corporation, or shall be concerned in Interest therein; and by the Name aforesaid, to do and execute all and singular other Matters and Things, that to them shall or may appertain to do.

The Governor may, by Letters Patents, incorporate the Inhabitants, to be a Body Corporate of the Mayor, Aldermen, *&c.* of *Williamsburg.*

The Corporation, and their Successors, capable in Laws to purchase Lands & Tenements, & to sell, *&c.* and to make By-laws.

XX. AND that there may not be any Defect in the good Ordering or Management of the said Land appropriated by this Act, for the building of the said City, and in providing for the better Regulation thereof, until the next Meeting of Assembly,

For the better putting this Act in Execution,

XXI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That His Excellency *Francis Nicholson,* Esq; His Majesty's Lieutenant and Governor General of *Virginia, Edmund Jenings,* Esq; of His Majesty's Honourable Council, *Philip Ludwell,* Esq; and *Thomas Ballard,* Gentleman, Members of the

Directors appointed.

A. D. 1705.

Right Worshipful House of Burgesses of this present General Assembly, *Lewis Burwell*, *Philip Ludwell*, Junior, *John Page*, *Henry Tyler*, *James Whaley*, and *Benjamin Harrison*, Junior, Gentlemen, or any Five, or more of them, shall be and are hereby nominated, authorized, and impowered, by the Name of The Directors appointed for the Settlement and Encouragement of the City of *Williamsburg*, to make such Rules and Orders, and to give such Directions in the building of the said City and Ports, not already provided for by this Act, as to them shall seem best and most convenient.

Their Power.

The Governor to grant to the City of *Williamsburg*, Letters Patents for Markets and Fairs.

XXII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That His Excellency the Governor, or the Governor or Commander in Chief, of this His Majesty's Colony and Dominion, for the Time being, is hereby impowered and desired, by Letters Patents, under the Seal of this His Majesty's Colony and Dominion, to grant unto the said City of *Williamsburg*, the Liberty and Privilege of holding and keeping such and so many Markets and Fairs, at such Time and Times, and upon such Conditions, and under such Limitations, as he shall think fit.

Proviso, No Lots to be sold before *October* 20, 1699.

XXIII. *PROVIDED always, and be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That no Lot or Lots of any Half Acre, or Half Acres of Land, shall be sold or disposed of, to any Person or Persons whatsoever, before the Twentieth Day of *October* next ensuing the Date of this Act: To the End, that the whole Country may have timely Notice of this Act, and equal Liberty in the Choice of the Lots.

The before recited Act declared in Force.

XXIV. NOW, forasmuch as several Parts and Clauses recited in the aforesaid Act, are not executed, others necessary to remain in Force, and for confirming every Thing already done, by any Person or Persons whatsoever, by Virtue of, and pursuant to, the aforesaid Act, *Be it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the afore-recited Act, and every Part and Clause thereof, be and are hereby declared to be in full Force.

Further Provision about building in *D. of Glocester* Street.

XXV. *AND be it further Enacted*, If any Person shall hereafter take a Grant of Two Lots, or Half Acres of Land, upon the Great Street of the said City, commonly called *Duke of Glocester* Street, and within the Space of Four and Twenty Months next ensuing such Grant, upon the said Lots, or Half Acres, or either of them, shall build and finish One House Fifty Feet long, and Twenty Feet broad; or within the Space aforesaid, upon the said Lots, or Half Acres, or either of them, shall build and finish One Brick House, or Framed House, with Two Stacks of Brick Chimnies, and Cellars under the whole House, bricked, Forty Feet long, and Twenty Feet broad, either of the said Performances, shall be sufficient to save the Grant of both the said Lots, or Half Acres from becoming void, and shall be so adjudged, deemed, and taken; any Law, Usage, or Custom heretofore, to the contrary, notwithstanding.

Further Provision about building in the other Streets.

XXVI. AND if any Person shall hereafter take a Grant of Two Lots, or Half Acres of Land, upon the Great Street of the said City, and One or more Lots, or Half Acres backward, and within the Space of Four and Twenty Months next ensuing such Grant, upon the Lots, or Half Acres contiguous to the Great Street, or either of them, shall build and finish in ordinary framed Work, as much Dwelling Housing, as will make Five Hundred Square Feet superficial Measure, on the Ground Plat, for every Lot, or Half Acre taken up; or within the Space aforesaid, upon the said Two Lots, or Half Acres, or either of them, shall build and finish, in Brick Work, or framed Work, with Brick Cellars under the whole, and Brick Chimnies, as much Dwelling Housing, as will make Four Hundred Square Feet superficial Measure on the Ground Plat, for every Lot, or Half Acre taken up, either of the said Performances shall be sufficient to save the Grant of all and every of the said Lots, or Half Acres,

from

from becoming void, and ſhall be ſo adjudged, deemed, and taken; any Law, Uſage, or Cuſtom heretofore, to the contrary, notwithſtanding. A. D. 1705.

XXVII. *PROVIDED always*, That the building of One Houſe, be the Dimenſions thereof never ſo large, ſhall not ſave more than Two Lots, or Half Acres, on the Great Street; and that whatever Lots, or Half Acres more, the Builder is willing to take a Grant of, ſhall be taken Backwards.

One Houſe ſhall only ſave two Lots upon the Great Street.

XXVIII. *AND be it further Enacted*, That every Perſon having any Lots, or Half Acres of Land contiguous to the Great Street, ſhall incloſe the ſaid Lots, or Half Acres, with a Wall, Pails, or Poſts and Rails, within Six Months after the Building, which the Law requires to be erected thereupon, ſhall be finiſhed, upon Penalty of forfeiting and paying Five Shillings a Month for every Lot, or Half Acre, ſo long as the ſame ſhall remain without a Wall, Pails, or Rails, as aforeſaid: To be recovered before any Juſtice of the Peace of *York* or *James-City* County, upon the Complaint of any One of the Truſtees or Directors, and to be diſpoſed of by the Directors as they ſhall think fit, for the Uſe and Benefit of the ſaid City and Ports thereunto belonging.

Lots to be incloſed within ſix Months after Building finiſhed.

XXIX. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted*, That none of the Lots, or Half Acres of Land in the City of *Williamſburg*, whereon any Houſes were ſtanding, at the laying out of the ſaid City, ſhall veſt in the ſaid Feoffees and Truſtees of the ſaid City, to be diſpoſed of, as the reſt of the Lots, and Half Acres may be, by Virtue of the ſaid Act, made at a General Aſſembly, begun at *James-City*, the Twenty Seventh Day of *April*, One Thouſand Six Hundred Ninety Nine, intituled, *An Act directing the building the Capitol, and the City of* Williamſburg; but that all and every of the ſaid Lots and Half Acres, ſhall remain and continue the proper Eſtate of the reſpective Proprietors unalter'd by the ſaid Act, and ſo ſhall be adjudged, deemed, and taken; any thing in the ſaid Act to the contrary, or ſeeming to the contrary, notwithſtanding.

Lots whereon any Houſes were ſtanding at the laying out the City, not veſted in the Truſtees.

XXX. *AND be it alſo Enacted*, That the Four Lots, or Half Acres, which at the firſt laying out of the Land for the ſaid City, were laid out and appropriated for the Buildings then erected on the ſame, by *Benjamin Harriſon*, Junior, Eſq; ſhall remain and continue to the Uſe of the ſaid *Benjamin Harriſon*, his Heirs and Aſſigns, and ſhall not lapſe for want of other Building thereon; any thing in this Act to the contrary, notwithſtanding.

Saving to *Benjamin Harriſon*.

XXXI. AND whereas, by the Death, Removal out of the Country, or into remote Parts, of ſeveral of the Perſons nominated Directors in the afore-recited Act, and the Refuſal of others to concern themſelves therein, the Powers and Authorities to them granted, have not been ſo fully executed as was intended; and it being neceſſary, for the better regulating and ordering the building of the ſaid City of *Williamſburg*, that a competent Number of Directors be appointed and continued to inſpect the ſame:

XXXII. *BE it therefore Enacted, by the Authority aforeſaid, and it is hereby Enacted*, That His Excellency *Edward Nott*, Eſq; Her Majeſty's Lieutenant and Governor General of *Virginia*, *Edmund Jenings*, *Philip Ludwell*, *William Byrd*, and *Benjamin Harriſon*, Junior, Eſqrs; *Henry Tyler*, *David Bray*, *Frederick Jones*, *Archibald Blair*, *Chichley-Corbin Thacker*, and *William Robertſon*, Gentlemen, or any Five, or more of them, be, and they are hereby authoriſed and impowered, by the Name of *The Directors of the Settlement and Encouragement of the City of* Williamſburg, from Time to Time, and at all Times hereafter, until the ſaid City ſhall be erected into a Corporation, in Manner afore-mentioned, to direct and order the laying out the Lots and Streets of the ſaid City, where the Bounds and Marks thereof are worn out, to lay out a convenient Space of Ground for the Church-Yard, to enlarge the Market-Place, and to alter any of the

Other Directors appointed.

Their Powers.

A. D. 1705. the Streets or Lanes thereof, where the same are found inconvenient; and also to settle and establish such Rules and Orders for the more regular and orderly building of the Houses in the said City, as to them shall seem best and most convenient.

D. of Glocester Street not to be alter'd.

XXXIII. *PROVIDED always*, That the Main Street, called *Duke of Glocester* Street, extending from the Capitol, to the utmost Limits of the City *Westward*, 'til it joins on the Land belonging to the College, shall not hereafter be altered, either in the Course or Dimensions thereof.

Vacancy of a Director to be supply'd by Election of the rest.

XXXIV. *AND be it further Enacted*, That in Case of the Death, Removal out of the Country, or other legal Disability, of any one or more of the Directors before named, it shall and may be lawful for the surviving or remaining Directors, from Time to Time, to elect and chuse so many other Persons, in the Room of those so dead or removed, as shall make up the Number of Ten; which Directors so chosen, shall be, to all Intents and Purposes, vested with the same Power, as any other in this Act particularly nominated and appointed.

CHAP. XLIV.

An Act for confirming Titles to Town Lands.

Preamble.

I. WHEREAS, an Act made at a General Assembly, begun at *James City*, the Sixteenth Day of *April*, One Thousand Six Hundred Ninety and One, intituled, *An Act for Ports*, &c. stands suspended: And forasmuch as, pursuant to the said Act, divers Tracts of Land have been purchased, and laid out for Ports and Towns, in the respective Places appointed by the said Act, and vested in Trustees; many of which have conveyed Lots, or Half Acres therein to several Persons, who have built thereon, and have made considerable Improvements:

Titles of Lands purchased for Ports or Towns, pursuant to the Act, *For Ports*, &c. and vested in Feoffees or Trustees, confirmed.

II. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That where any County or Counties have purchased, laid out, and paid for any Lands, for Ports or Towns, pursuant to the said Act, *for Ports*, &c. or to any other Act of Assembly, and have vested the same in Feoffees or Trustees, according to the said Act or Acts; such Feoffees or Trustees so invested, are hereby declared to have a good, absolute, and indefeasible Estate in Fee, in such Lands respectively, which have not been disposed of by the former Trustees, in Trust and Confidence, to and for the Uses in the said Act *for Ports*, &c. mentioned, and for no other Use or Purpose whatsoever; and the said Land or Lands are hereby confirmed to the said Feoffees or Trustees, in Fee, to such Use or Uses; any thing in the said Suspension, or any other Law, Statute, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

And such Lands not yet vested in Feoffees or Trustees confirmed to Feoffees or Trustees hereafter to be appointed by the County Courts to the Uses limited by that Act.

III. *AND be it further Enacted*, That where any County or Counties, pursuant to the said Act *for Ports*, or any other Act of Assembly, have purchased, laid out, and paid for Fifty Acres of Land, and the same, by the Death, or Refusal of the Proprietor, or other Accident, hath not been conveyed to Trustees, according to the said Law or Laws; such Land or Lands shall be and are hereby confirmed to such Feoffees or Trustees, as hereafter, by Virtue of this Act, shall be appointed by the County Courts, to and for the Uses aforesaid, in as full and ample Manner, as if the said Land or Lands had been really and actually conveyed, in Law, by such Proprietors to such Feoffees or Trustees, in Manner, as by the said Law *for Ports*, is expressed.

On Death or Departure out of the Country,

IV. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if in any County, the Feoffees or Trustees already appointed, by Virtue

Virtue of the ſaid Act *for Ports*, be dead, or departed out of this Country, the County Court of ſuch reſpective County is hereby impowered and required to appoint other Feoffees or Truſtees, who are hereby inveſted and confirmed in the Fee of all ſuch Land or Lands (not by former Truſtees diſpoſed of) to the Uſe or Uſes afore-mentioned, and to no other Uſe or Purpoſe whatſoever: And all Feoffees or Truſtees, by Virtue of the ſaid Act *for Ports*, &c. already made, or by Virtue of this Act hereafter to be made, are hereby impowered and required, in their reſpective County, to convey and make over any Lot or Lots, Half Acre or Half Acres of Land, to ſuch Perſon or Perſons as ſhall deſire to take up the ſame, according to the ſaid Act *for Ports*, and upon the Conditions therein ſpecified, as if the ſaid Act *for Ports* had never been ſuſpended; any Law, Statute, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Country, of any Feoffee or Truſtee, County Court to appoint others.

V. *AND be it further Enacted*, That if any Perſon or Perſons have purchaſed and paid for any Lot or Lots, Half Acre or Half Acres of Land, in any of the ſaid Places, of any Feoffees or Truſtees, purſuant to the ſaid Law, and have fully complied with the Conditions in the ſaid Law mentioned and ſet down; ſuch Perſon or Perſons are hereby declared to be inveſted with, and have a good, abſolute, and indefeaſible Eſtate in Fee, to ſuch Lot or Lots, Half Acre or Half Acres of Land; and the ſame is hereby confirmed in Fee to ſuch Perſon and Perſons, and to his and their Heirs for ever.

Titles of Purchaſers confirmed.

CHAP. XLV.

An Act for Naturalization.

I. WHEREAS nothing can contribute more to the ſpeedy Settling and Peopling of this her Majeſty's Colony and Dominion, than that all poſſible Encouragement ſhould be given to Perſons of different Nations to tranſport themſelves hither, with their Families and Stock, for to ſettle, plant, or reſide, by inveſting them with all the Rights and Privileges of any of Her Majeſty's Natural Free-born Subjects within this Colony:

Preamble.

Vid. Chap. 2. 1680.

II. *BE it therefore Enacted, by the Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That it ſhall and may be lawful for the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, by a public Inſtrument, or Letters Patents, under the Broad Seal thereof, to declare any Alien or Aliens, Foreigner or Foreigners, being already ſettled, or Inhabitants in this Colony, or which ſhall hereafter come to ſettle, plant, or reſide therein, upon his, her, or their taking, before him, the Oaths appointed by Act of Parliament to be taken, inſtead of the Oaths of Allegiance and Supremacy, the Oath mentioned in an Act, intituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act*, intituled, *An Act for the further Security of His Majeſty's Perſon, and the Succeſſion of the Crown in the Proteſtant Line, and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and all other Pretenders, and their open and ſecret Abettors, and for declaring the Aſſociation to be determined; and ſubſcribing the Teſt,* to be, to all Intents and Purpoſes, fully and completely naturalized; and that all Perſons having ſuch public Inſtrument, or Letters Patents, ſhall, by Virtue of this Act, have and enjoy to them, and their Heirs, the ſame Immunities and Rights, of and unto the Laws and Privileges of this Colony and Dominion, as fully and amply as any of Her Majeſty's Natural-born Subjects have or enjoy within the ſame, and as if they themſelves had been born within any of Her Majeſty's Realms or Dominions; any former Act, Law, Ordinance, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Governor may, by Letters Patents, under the Broad Seal, ſo naturalize Aliens, taking the Oaths, &c.

III. AND to the Intent, the ſaid public Inſtrument, or Letters Patents, under the Broad Seal of this Colony, as aforeſaid, may be obtained, without any great Difficulty or Charge,

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Fees, To the Governor 40 s. Clerk 10 s.

IV. *BE it further Enacted*, That the Governor or Commander in Chief of this Colony and Dominion, granting such public Instrument or Letters Patents, shall have and receive for the same, Forty Shillings, and his Clerk, for writing of it, Ten Shillings, and no more.

V. AND whereas several Aliens and Foreigners, that have formerly transported themselves to this Her Majesty's Colony and Dominion, and have taken up and patented, in their own Name, several Parcels of Land, or otherwise made Purchase of Lands, Houses, Tenements, or other Real Interest, and have afterwards sold the same to some of Her Majesty's Liege People, or Inhabitants of this Colony and Dominion,

Lands and Tenements purchased and held of Aliens, before this Act, confirmed.

VI. *IT is hereby further Enacted*, That all Persons which have purchased and held, under any such Alien or Aliens, any Lands, Houses, or Tenements, be secured, and by Virtue of this present Act, for ever, be confirmed in the quiet and peaceable Possession of the said Purchases, unto them and their Heirs for ever; any former Law, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

No Privileges granted to Aliens, contrary to Acts of Parliament, *&c.*

VII. *PROVIDED*, That nothing in this Act contained, shall be construed to enable or give Power or Privilege to any Foreigner, to do or execute any Matter or Thing, which by any of the Acts made in *England*, concerning Her Majesty's Plantations, he is disabled to do or execute.

CHAP. XLVI.

Vid. Chap. 1. 1730.

An Act for Improving the Staple of Tobacco; and for Regulating the Size and Tare of Tobacco Hogsheads.

Persons tending Seconds, forfeit 500 *lb.* Tobacco for every Tithable on the Plantation.

I. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, and Declared, by the Authority of the same*, That all Tending of Seconds, for Tobacco, is hereby forbid: And that whosoever shall tend, or cause or suffer to be tended any Seconds, shall forfeit and pay Five Hundred Pounds of Tobacco for every Tithable Person he shall have or employ that Year, upon the Plantation where the Seconds shall grow.

And Overseers liable to the like Penalty.

II. *PROVIDED*, That where any Person or Persons, shall entrust his or their Plantation or Plantations, and the Servants and Slaves thereon, to the Management of an Overseer, being a Free Man, the Owner of such Plantation, Servants, and Slaves, shall not be liable to Prosecution, for any Breach of this Act: But such Overseer, tending, or causing or suffering to be tended, any Seconds, shall incur the said Penalty of Five Hundred Pounds of Tobacco, for every Tithable Person that shall be employed that Year, upon the Plantation under his Charge, where such Seconds shall grow, as aforesaid.

Persons exposing to Sale, or tendering Tobacco false packed, and mixed with Trash, forfeit 1000 *lb.* Tob. *per* Hogshead.

III. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That whosoever shall hereafter pack, or cause to be packed, any Hogshead of Tobacco, they pack or cause the same to be packed fairly, and without Deceit, and equally good throughout, as it appears at the Head. And that if any Person or Persons whatsoever, shall pay away, or put to Sale, or offer to pay away, or put to Sale, any Hogshead of Tobacco, which he hath deceitfully, or hath caused or suffered to be deceitfully packed, by putting thereinto any Stones, or intermingling therewith any Dirt, Sand, Tobacco-Stalks, Stems, Seconds, Ground Leaves, or other Trash whatsoever, shall forfeit, for every Hogshead so deceitfully packed, One Thousand Pounds of Tobacco.

IV.

A. D. 1705.

IV. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That when any Plaint or Information shall be made, or Suit brought, to any Court, concerning the false Packing of a Hogshead of Tobacco, the Court shall forthwith appoint Two or Three Men, who are reputed to be skilful Planters, to search and view the said Hogshead of Tobacco; and to make Report, upon Oath, to the Court, how they find the same; and whether, in their Opinion, it be fairly packed, as this Act directs: And their Report therein, shall be admitted as good Evidence at the Trial.

Upon Information, or Suit, the Court shall appoint Viewers.

V. *PROVIDED*, That Five Pounds Weight, and no more, be allowed in one Hogshead, for Sand, Dust, and mean Tobacco, (to wit,) such Tobacco as is not passable by itself, without better joined with it.

5 *lb.* Weight *per* Hogshead, to be allowed for Sand, Dirt, & mean Tob.

VI. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That if any Creditor shall omit to demand or receive a Tobacco Debt, by the last Day of *January*, it shall be lawful for the Debtor, at any Time in *February*, to apply himself to two Justices of the Peace of the County, to make a Tender of the Tobacco he owes, according to the Tenor of the Specialty or Bargain by which it appears due: Which said Two Justices shall be and are hereby impowered and required, to appoint, without Delay, Three honest and able Men of the Neighbourhood, on their Oaths, to view the Tobacco; and if they find it merchantable, and packed fairly, according to the Direction of this Act, they shall weigh and mark the same, for the Use of the Creditor, on whose Account and Hazard it shall thereafter lie. And upon producing Certificate from the said Justices, of the said Tender, to the next County Court, and that the Tobacco is found good, and fairly packed, as the Law directs, the said Court is hereby authorised and impowered, by their Order, to discharge the Debtor from his said Debt.

How a Debtor may discharge himself by a Tender.

VII. *PROVIDED*, The said Tender was made in Place according to Specialty: And *Provided*, That the said Debtor still endeavour to secure and preserve the said Tobacco as before the Tender, and as it were still his own.

But Tender shall be made according to Specialty, and the Debtor shall preserve the Tobacco, as his own, and defray the Charge of the Tender.

VIII. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the Debtor making Tender, as aforesaid, shall bear and defray the Charge accruing thereby: And that each Viewer shall be allowed Twenty Pounds of Tobacco *per* Day.

Viewer to have 20 *lb.* Tob. *per* Day.

IX. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Tobacco Hogshead, in which Tobacco shall be packed, paid away, or put to Sale, shall be made of dry and well seasoned Timber, and which hath been hewed Three Months at least before the setting up; and shall be set up in strong and substantial Hoops; the Stave shall be in Length Forty Eight Inches, and no more, and at least One Third of an Inch in Thickness, on the thinnest Edge thereof; the Size of the Head on the Inside shall be Thirty Inches in Diameter, and no more.

Make & Size of Tobacco Hogsheads.

X. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all and every Cooper and Coopers, or other Persons intending to set up Tobacco Hogsheads, do go before a Justice of the Peace for the County where he dwells, and make Oath, That he shall not willingly or wittingly set up any Tobacco Hogsheads of a larger Size than is herein directed: And also to tare, or cause to be tared, with a Marking-Iron, or Branding-Iron, every Tobacco Hogshead that by him shall be set up, with the true Weight thereof, on the Bulge and Head of the Hogshead; together with the first Letter of his Proper-Name, and Sir-Name: And shall take a Certificate from the said Justice, of such Oath so made. And if any Person or Persons shall employ any Negro, Mulatto, or other Servant, in making Tobacco Hogsheads, such Employer shall go before a Justice

Coopers shall be sworn befor a Justice.

The Oath.

And take Certificate.

Persons employing their Servants or Slaves in making Tobacco Casks, shall also make Oath and take Certificate.

A. D. 1705.

Justice of the Peace for the County where he or she dwells, and make Oath, That he or she so employing the said Negro, Mulatto, or other Servant, shall not willingly nor wittingly, suffer or permit any Tobacco Hogsheads to be set up for them, of a larger Size than is herein directed; but shall use their utmost Endeavours to prevent the same: And also, that what Hogsheads by such Negro, Mulatto, or other Servant, shall be made or set up for him or her, shall be tared, and the Two first Letters of his or her Proper-Name and Sir-Name set thereon, in Manner aforesaid: And shall also take a Certificate from the said Justice, of such Oath made.

Coopers, *&c*, setting up, *&c*. Tobacco Casks, contrary to this Act, or before Oath made, and Certificate obtained, forfeit 500 *lb.* Tobacco for every Cask.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Cooper, Coopers, or any other Person or Persons, set up Tobacco Cask, contrary to this Act; or shall pay away, put to Sale, or put, or cause to be put on Board any Boat, Sloop, Ship, or other Vessel, in order to Exportation, any Tobacco whatsoever, packed in Cask of a greater Size than is herein before expressed and set down; or that is made of less seasoned Timber or Staves, thinner than before directed; or that is not tared with their just Weight, as before in this Act is enjoined; or shall presume to set the Tare upon any Hogshead, before Oath made, and a Certificate obtained, as aforesaid, such Cooper or Coopers, other Person or Persons, if Free, and if not, the Employer shall, for every Tobacco Hogshead so made, paid away, put to Sale, or shipped, forfeit and pay the Sum of Five Hundred Pounds of Tobacco; One Moiety of all the Fines and Forfeitures in this Act before mentioned, shall be to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will sue or inform for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Fines appropriated.

Allowance to be made for the Increase of Weight of Tobacco Hogsheads.

XII. *PROVIDED always,* That every Justice of the Peace before whom Complaint of the Breach of this Act shall be brought, shall be and is hereby impowered to consider what any Tobacco Hogshead, after it hath lain some Time packed, may, by the Moisture of the Tobacco, or Weather, increase in Weight; and give Judgment accordingly.

Buyers of Tobacco shall receive Hogsheads, at the Tare, & allow 30 *lb.* Tob for the Hogshead, on Penalty of 150 *lb.* Tob.

XIII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Buyer or Receiver of Tobacco in Cask, shall receive and take the same at the Tare thereon set, and allow Thirty Pounds of Tobacco for each Hogshead, notwithstanding any Bill, Bond, or Contract, expressing the same, to be paid with Cask; on Penalty of One Hundred and Fifty Pounds of Tobacco, payable to the Informer; and recoverable, with Costs, upon Complaint, before any Justice of the Peace of the County.

But this shall not extend to Rents, *&c*.

XIV. *PROVIDED,* That neither this Act, nor any Thing therein contained, shall be construed to extend to Contracts, Grants, Rents, or Reservations of Cask, with the Tobacco upon Leases, for Lands; but that the Cask shall and may be paid, received, demanded, sued for, and recovered, according to the Conditions, Contracts, Grants, and Reservations of the Rents, upon such Leases.

Nor to Persons shipping their own Tobacco in Casks of lawful Size, though not tared, *&c*.

XV. *PROVIDED also,* That this Act, nor any thing herein contained, shall be construed or intended to restrain or prohibit any Person or Persons from freighting or shipping of their own Tobacco in Hogsheads of a lawful Size, although the Hogsheads be not tared, nor any Oath made thereto, according to this Act, the Freighter or Freighters, Owner or Owners of the said Tobacco, neither directly nor indirectly exposing the same to Sale in the Country.

XVI.

A. D. 1705.

XVI. *PROVIDED always*, That the Sheriffs and Collectors of public Dues, shall allow, for all public Tobaccos paid in Hogsheads, to the Payer thereof, Eight *per Cent.* for Cask, instead of the Thirty Pounds of Tobacco *per* Hogshead, it being so raised in the public Proportions, as hath of a long Time been accustomed; any thing in this Act, to the contrary, in any-wise, notwithstanding.

Collectors of Public Dues, shall allow 8 *per Cent.* for Cask.

XVII. *AND be it further Enacted, by the Authority aforesaid*, That all and every Act and Acts, and every Clause and Article thereof; heretofore made, for so much thereof as relates to Improving the Staple of Tobacco, and Regulating the Size and Tare of Tobacco Hogsheads, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

Former Laws repealed.

This Act was confirmed by the Queen in Council, *Anno* 1707: But so much thereof as relates to the Size and Tare of Tobacco Hogsheads, the Tender of Tobacco, and Allowance for Cask, is otherwise provided for, and stands suspended by the Tobacco Law, Ch. 51, 1748.

CHAP. XLVII.

An Act to prevent Ships sailing in Contempt of Embargos.

I. FORASMUCH, as several Masters of Ships and Vessels in this Colony and Dominion, have, in Contempt of Embargos, sailed out of the Colony; and that such Practices may be of dangerous Consequence, by a Discovery of the State of the Colony, and the Trade here, in case any Ship or Vessel so sailing, should happen to be taken by the Enemy:

Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That all Masters of Ships and Vessels, when they make their Entry, shall give Bond to the Naval Officer, according to the Burthen of their Ships or Vessels, as followeth; if the Ship or Vessel be under One Hundred Tons, the Bond shall be for One Hundred Pounds *Sterling*; if One Hundred Tons, and not Two Hundred Tons, the Bonds shall be for Two Hundred Pounds *Sterling*; if Two Hundred Tons, and upwards, the Bond shall be for Five Hundred Pounds *Sterling*: To all which Bonds, the Condition shall be, not to depart this Colony, when any Embargo is laid, during the Continuance of such Embargo; and also to observe and follow such Rules and Directions as shall be thought necessary to be given by the Government, for the making up of Fleets.

Masters of Ships, *&c.* at Entry shall give Bond, with Condition, not to depart this Colony, during the Continuance of an Embargo, *&c.*

III. *PROVIDED always, and it is the true Intent and Meaning of this Act*, That when any Embargos are laid on Ships or Vessels within this Dominion, that the Collectors or Naval Officers, upon Receipt of the Order for such Embargo, shall forthwith give Notice to the several Masters of Ships and Vessels within their respective Districts, of the said Embargo, and the Time of the Continuance thereof; and that no Bond whatsoever required and given, by Virtue of this Act, shall be adjudged, deemed, or taken to be forfeited, unless Notice hath been given, as aforesaid, and Breach be made of the Condition of the said Bond, after such Notice; any thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

But Notice of such Embargo shall be given them by the Collectors or Naval Officers.

IV. *AND be it Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

Repeal of former Laws.

A. D. 1705.

Ch. 32, 1748. Chap. 48. *An Act concerning Marriages.* REP.

Ch. 14, 1748. 49. *An Act concerning Servants and Slaves.* REP.

Repealed, Ch. 12, 1734. 50. *An Act to prevent killing Deer at unseasonable Times.*

Ch. 12, 1748. 51. *An Act to explain Part of an Act of this present Session of Assembly, intituled,* An Act directing the Manner of levying Executions, and for the Relief of poor Prisoners for Debt. REP.

CHAP. LII.

An Act for Prevention of Misunderstandings between the Tributary Indians, *and other Her Majesty's Subjects of this Colony and Dominion; and for a free and open Trade with all* Indians *whatsoever.*

Preamble.

I. FOR Prevention of all Manner of Animosities, Jealousies, Fears, Misunderstandings, and Differences whatsoever, between the Tributary *Indians*, and other Her Majesty's Subjects of this Colony and Dominion, as also the several Revenges and Mischiefs which may thereupon be sought after and ensue,

Tributary *Indians* disabled from conveying, in Fee, for Life, or Years, any of their Lands, except to their own Nation.

II. *BE it Enacted, by the Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That it shall not be lawful for an *Indian* King, or any other of the said Tributary *Indians* whatsoever, to bargain and sell, or demise to any Person or Persons, other than to some of their own Nation, or their Posterity in Fee, for Life, or for Years, the Lands laid out and appropriated for the Use of the said *Indians*, or any Part or Parcel thereof; or to bargain and sell, as aforesaid, any other Land whatsoever, now actually possessed, or justly claimed and pretended to by the said *Indians*, or any of them, by Virtue of the Articles of Peace made and concluded with the said *Indians*, the Twenty Ninth Day of *May*, One Thousand Six Hundred Seventy Seven, or by Virtue of any other Right or Title whatsoever; and that every Bargain, Sale, or Demise hereafter made, contrary to this Act as aforesaid, shall be and is hereby declared to be null and void, to all Intents, Constructions, and Purposes whatsoever.

Persons taking Conveyances or Leases of *Indian* Lands, or occupying such Lands, forfeit 10 *s.* per Acre.

III. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons (other than the *Indians*, and their Posterity) shall, from and after the Publication of this Act, presume to purchase, or obtain any Deed or Conveyance in Fee, or any Lease for Years, from any of the Tributary *Indians*, of any Lands, Tenements, or Hereditaments laid out or appropriated, or now actually possessed, or justly claimed and pretended to, by the said *Indians*; or shall occupy or tend any of the said Lands, by Permission of the said *Indians*, or otherwise, every Person or Persons so offending, and being thereof lawfully convicted, in any Court of Record within this Colony, shall forfeit and pay the Sum of Ten Shillings Current Money, for every Acre of Land so purchased, leased, or occupied: And for every Year, during the Continuance of the Possession, or Occupation of any Lands, by Virtue of such Purchase or Lease, the Person or Persons so offending, shall forfeit and pay the Sum of Ten Shillings current Money for every Acre of Land so possessed or occupied, as aforesaid; One Moiety of which said Forfeitures shall be to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of the Government of this Her Majesty's Colony and Dominion, and the contingent Charges thereof; and the

the other Moiety to the Informer: To be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed. *A. D. 1705.*

IV. *PROVIDED neverthele∫s*, That it shall and be lawful for the General Court of this Dominion, to receive and examine the several Claims of *George Shilling*, to Three Hundred Acres of Land; of *Michael Waldrop*, to Ninety Acres of Land; and of the Heir of *George Southerland*, deceased, to Two Hundred Acres of Land: All which Lands are said to be Part of the Lands laid out for the *Pamunkey Indians*; and if it shall appear to the said Court, that the said Persons, or any of them, have as equitable Pretensions to the said Lands, as those Persons had, who have already obtained Patents for other Part of the Land laid out for the said *Indians*, then it shall be lawful for the Governor, or Commander in Chief of this Dominion, for the Time being, by and with the Advice and Consent of the Council, to grant Patents to the several Persons before named, (or so many of them as make the Equity of their Pretensions appear) for the said several Quantities of Land by them claimed respectively, if there shall be so much contained within their Bounds, but not for any greater Quantity, although their Bounds contain the same.

Saving the Claims of *George Shilling*, *Michael Waldrop*, and the Heir of *George Southerland*.

V. AND to the End, no different Constructions may be made concerning the Sense and Meaning of a certain Clause contained in the aforesaid Articles of Peace, in these Words, 'It is hereby concluded and established, that no *English* 'shall seat or plant, nearer than Three Miles of any *Indian* Town,'

Explanation of a Clause in the Articles of Peace, concluded *May* 29, *Anno* 1677.

VI. *BE it Enacted, by the Authority aforesaid, and it is hereby Enacted, and Declared*, That where an *Indian* Town is seated, on or near a Navigable River, and the *English* have already seated and planted within Three Miles of the said Town, on the opposite Side of the River, the said Clause shall not be construed, deemed, or taken, to give the said *Indian* Town any Privilege on the said opposite Side: But in such a Case, the Privilege of the said *Indian* Town, shall be limited by the River.

Bounds of *Indian* Towns, seated on Navigable Rivers, limited by the River.

VII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the *Indians* Tributary to this Government, shall be well secured and defended in their Persons, Goods, and Properties; and that whosoever shall defraud, or take from them, their Goods, or do Hurt or Injury to their Persons, shall make Satisfaction, and be punished for the same, according to Law, as if the *Indian* Sufferer had been an *Englishman*.

Tributary *Indians* protected as *English* Subjects.

VIII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That the *Indians* Tributary to this Government, shall have and enjoy their wonted Conveniences of Oistering and Fishing, and of Gathering, on the Lands belonging to the *English*, Tuckahoe, Cuttenemons, Wild Oats, Rushes, Puckoon, or other Things, not useful to the *English*, upon a Licence first had from a Justice of the Peace of the County where they come for those Purposes: And if any *Englishman* take from any of the said *Indians*, any Goods, or kill, wound, or maim any One of them, as they come in, whilst they tarry, or as they return, he shall be punished, and suffer, as if he had done the same Thing to an *Englishman*.

Shall have Liberty of Oistering, *&c.* by Licence from a Justice of Peace.

IX. *PROVIDED always, and it is hereby meant and intended*, That the said *Indians* shall not bring with them any Guns, Ammunition, or offensive Weapons, but Tools only for their Use; that they shall not presume to oister, fish, and gather Tuckahoe, or other Things, as aforesaid, without a Licence first had from a Justice of Peace, as aforesaid; that the Justice, in his Licence, shall limit the Time of the *Indians* Stay; and that it shall not be lawful for the *Indians* to tarry beyond the Time limited.

But shall not carry offensive Arms, *&c.* nor oister, *&c.* without Licence.

A. D. 1705.

Shall give Notice of any Approach of Foreign *Indians* to the next Militia Officer; and if they desire Aid, Parties of Militia may be raised, and sent out with them.

X. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all *Indian* Kings and Queens Tributary to this Government, having the least Notice of a March of strange *Indians* near the *English* Quarters or Plantations, shall forthwith repair, or at least send One of their Great Men to the next Militia Officer, to acquaint him what they know of their Nation, Number, and Design, and which Way they bend their Course; and if the Tributary *Indians* then desire any Aid against the strange *Indians*, the Colonel of the Militia in those Parts, shall forthwith send out a convenient Party of the said Militia to join with them for their better Defence and Security on that Occasion.

Shall march and continue with the *English* when commanded.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That all *Indians* Tributary to, and under the Protection of this Government, shall march, with the *English*, in Pursuit of Foreign *Indians*, whensoever they are thereunto commanded, and shall continue with the *English* in the said Pursuit, as the Occasion requires.

Free Trade with all *Indians*.

XII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted*, That there be a free and open Trade for all Persons, at all Times, and at all Places, with all *Indians* whatsoever.

Sale of Rum, or Brandy, prohibited in *Indian* Towns or upon their Lands, on Penalty of 10 *s.* per Quart.

XIII. *PROVIDED always, and be it Enacted, by the Authority aforesaid*, That if any Person or Persons shall, after the Publication of this Act, sell, or offer to Sale, any Rum or Brandy, within any Town of the Tributary *Indians*, or to any *Indian*, upon any Land belonging to any such Town; every such Person or Persons so offending, and being thereof lawfully convicted before any Justice of the Peace of the County where the Offence shall be committed, shall forfeit and pay Ten Shillings current Money, for every Quart of Rum, or Brandy, sold or offered to Sale, as aforesaid, and so proportionably for a greater or lesser Quantity; one Moiety of which Fines shall be to her Majesty, her Heirs and Successors, for and towards the Support of the Government of this Colony, and the contingent Charges thereof; and the other Moiety to the Informer.

Governor may, by Charter, incorporate Discoverers of *Indians* situate *Westward* of the Mountains, with sole Liberty of Trading for 14 Years, *&c.*

XIV. *PROVIDED nevertheless, and be it Enacted*, That if any Person or Persons shall hereafter, at his or their own Charge, make Discovery of any Town or Nation of *Indians*, situate or inhabiting to the *Westward* of, or between the *Appalatian* Mountains; in such Case, it shall be lawful to and for the Governor, or Commander in Chief of this Dominion, for the Time being, by and with the Advice and Consent of Her Majesty's Council of State, by Charter or Grant, under the Seal of the Colony, to grant unto such Person or Persons so discovering, as aforesaid, and to their Executors, Administrators, and Assigns, for the Space of Fourteen Years then next coming, the sole Liberty and Right of Trading to and with all and every such Town or Towns, Nation or Nations of *Indians* so discovered as aforesaid, with such Clauses or Articles of Restraint or Prohibition of all other Persons from the said Trade, and under such Penalties and Forfeitures as shall be thought convenient: Which said Charter or Grant is hereby Enacted and Declared to be good and valid in Law, to the Intents and Purposes therein mentioned; and all and every Clause and Article thereof shall be observed, fulfilled, and obeyed, under the Penalties and Forfeitures therein to be contained: And if Occasion shall so require, the said Governor, or Commander in Chief, with the Advice and Consent of the Council, as aforesaid, is hereby impowered, by such Charter or Grant, as aforesaid, to make and constitute such Discoverers, and such other Persons as they shall desire, to be One Body Corporate and Politic, by such Name, in such Manner, and with such Liberties and Privileges as shall appear to be necessary, for the better enabling them to make the most Benefit and Advantage of the said Trade, exclusive of all other Persons; any Thing in this Act contained to the contrary, or seeming to the contrary, in any-wise, notwithstanding.

H XV.

XV. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the Tributary *Indians*; or to a free and open Trade with all *Indians*; or any other Matter or Thing whatsoever, within the Purview of this Act, except One Act made at a General Assembly, held by Prorogation, the Eighteenth Day of *April*, One Thousand Seven Hundred and Five, intituled, *An Act concerning the* Nansiattico, *and other* Indians, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

A. D. 1705. All former Laws relating to *Indians*, repealed, except an Act pass'd in 1705, concerning the *Nansiattico*, & other *Indians*.

Chap. 53. *An Act for the Regulation and Settlement of Ferries, and for Dispatch of public Expresses.* REP. — Ch. 16, 1748.

54. *An Act appointing a Treasurer.* — Expired.

55. *An Act making the* French *Refugees, inhabiting at the* Manakin *Town and the Parts adjacent, a distinct Parish by themselves, and exempting them from the Payment of Public and County Levies until the 25th Day of* December, 1708. — Private.

Signed by EDWARD NOTT, *Esq; Governor.*

BENJAMIN HARRISON, *Speaker.*

At a GENERAL ASSEMBLY, begun and holden at the Capitol, in the City of *Williamsburg*, the Twenty Fifth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *Great Britain, France,* and *Ireland*, Queen, Defender of the Faith, *&c. Annoq; Domini* 1710.

A. D. 1710. ALEXANDER SPOTSWOOD, Esq; Governor.

Chap. 1. *An Act for laying a Duty on Liquors and Slaves.* — Expired.

2. *An Act for finishing a House for the Governor of this Colony and Dominion.* — Effected.

3. *An Act prohibiting Seamen being harboured or entertained on Shore.* REP. — Ch. 17, 1748.

4. *An Act to explain Part of an Act of Assembly, intituled,* An Act for establishing the General Court, and for regulating and settling the Proceedings therein. REP. — Ch. 6, 1748.

A. D. 1710.

CHAP. V.

An Act for raising a Public Revenue for the better Support of the Government of Her Majesty's Colony and Dominion of Virginia. *(a)*

Preamble.

I. WHEREAS a great and continual Charge is required for the Maintenance of the Governor and several other Officers and Persons, as also for Forts and Fortifications; besides that, there are many other contingent Expences, absolutely necessary for the Support of the Government of this Her Majesty's Colony and Dominion:

Duty of 2 *s.* upon every Hogshead, Box, Chest, Case, & Barrel of Tobacco.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That for every Hogshead, Box, *(b)* Chest, Case, or Barrel of Tobacco, which shall at any Time hereafter be shipped or loaden on Board any Ship or Vessel whatsoever, within this Colony and Dominion, in order to be exported hence by Water, *(c)* to any other Port or Place whatsoever, there shall be paid by the Shipper or Shippers thereof, the Sum of Two Shillings current Money of *Great-Britain*; and also, for every Five Hundred Pounds of Tobacco shipped or loaden on Board any Ship or Vessel, in order to be exported, as aforesaid, in Bulk, to any of Her Majesty's other Plantations, the like Sum of Two Shillings; and so, after that Rate, for a lesser or greater Quantity. *(d)*

And 2 *s.* upon every 500 *lb.* Tob. shipp'd in Bulk, to the Plantations, & so *pro rato.*

Doubts about Tobacco of the Growth of another Place, determined.

III. *(e)* AND for avoiding all Manner of Doubts which may hereafter arise concerning the Payment of the Duty aforesaid, for Tobaccos of the Growth of another Place, and shipped here, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared,* That the true Intent and Meaning of this Act is, that the aforesaid Duty of Two Shillings shall be paid for all Tobaccos whatsoever, shipped or laden or Board any Ship or Vessel within this Colony and Dominion, in order to be exported hence, although the same were made in, and imported or brought from another Place.

Duty of 1 *s.* 3 *d.* *per* Ton on Shipping.

IV. *AND be it also further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That every Ship or Vessel, which shall at any Time hereafter be entred in this Her Majesty's Colony and Dominion, or any District or Port thereunto belonging, in order to unlade the Goods and Merchandizes imported in her, or in order to lade and take on Board any Tobaccos, or other Goods or Merchandize whatsoever, for Exportation out of this Colony, shall pay, for every Ton which the said Ship or Vessel is of Burthen, the Sum of One Shilling and Three Pence current Money of *Great-Britain,* for Port Duties. *(f)*

Ships not to be charged twice the same Voyage.

V. *PROVIDED always, and it is hereby Enacted and Declared,* That nothing in the aforesaid Clause contained, shall be construed so as to charge any Ship or Vessel, which at any Time hereafter shall arrive into this Colony and Dominion, and here unlade and relade, with Payment of the Port Duties Two Times for the same: And that the true Intent and Meaning of this Act is, that in such a Case, the aforesaid Port Duties shall be paid no more than once for that Voyage.

Method of measuring Ships.

VI. *(g) AND be it further Enacted and Declared,* That all Ships and Vessels liable to the Payment of the Port Duties, by this Act imposed, shall be gauged

(a) The Act of 1680, Chap. 3. with this Title, having passed the Royal Assent, could not be altered by this Act; and there is but little Difference betwixt them, except what is here noted. *(b)* Box, Chest, Case, and Barrel, is not in the Act of 1680. *(c)* The Act of 1680, lays the Duty upon all Tobacco exported by Land or Water. *(d)* There is a Penalty in that Act of 100 *l.* and Treble the Duty upon the Master who shall make a false Entry of the Number of Hogsheads, the Burthen of the Ship, or Number of the Persons imported. *(e)* This Clause is an Addition to the other Act, but quære the Necessity of it. *(f)* By the other Act, the Master has his Election to pay ½ Pound of Gun-Powder and 3 Pounds of Shot, or 1 *s.* 3 *d.* *per* Ton. *(g)* This Clause is not in the other Act.

and

and meaſured in Manner following; (that is to ſay,) every Ship or Veſſel ſhall be meaſured by the Length of the Gun Deck, deducting Three Fifths of the greateſt Breadth from Outſide to Outſide, and multiplying the Product by the Breadth from Out to Out, (and not within Board;) and that Product again, by Half the ſaid Breadth; and that Product divided by Ninety Four, which will give the true Contents of the Tonnage; and according to which Method and Rule, all Ships and Veſſels ſhall be meaſured, and the ſaid Port Duties thereby ſhall be computed and collected accordingly; any Cuſtom, Practice, or Uſage to the contrary, notwithſtanding. *A. D.* 1710.

Duty of 6 *d.* *per* Poll upon all Paſſengers, Servants, and Slaves.

VII. *AND be it alſo further Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That every Ship or Veſſel, which ſhall at any Time hereafter come into any Port, Creek, Harbour, or Road, within this Colony and Dominion, and ſhall be there entred, in order to unlade and put on Shore Goods, Merchandizes, Paſſengers, Servants, or Slaves, ſhall pay Six Pence *per* Poll for every Paſſenger, Servant, Slave, or other Perſon imported in her, the Mariners belonging to, and in actual Pay of the ſaid Ship or Veſſel, and every of them, excepted.

Penalty upon making a ſhort Entry of the Number of Perſons imported.

VIII. AND to the End, the aforeſaid Impoſition or Duty of Six Pence *per* Poll may be truly paid, according to the Intent of this Act, *Be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That if any Maſter of a Ship or Veſſel ſhall wittingly or willingly make a ſhort Entry of the Number of Perſons imported in his ſaid Ship or Veſſel, for which the Impoſition or Duty aforeſaid ought to be paid, he ſhall forfeit and pay Ten *(h)* Pounds current Money; One Moiety to our Sovereign Lady the Queen, her Heirs and Succeſſors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them, that will inform or ſue for the ſame, in any Court of Record within this Colony and Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed.

Duties to be paid to Collectors to be appointed by the Governor, with Advice of Council.

IX. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That all and every of the Impoſitions or Duties aforeſaid, ſhall be paid to the reſpective Collectors or Officers which ſhall be appointed to receive the ſame, and ſhall be to our Sovereign Lady the Queen, her Heirs and Succeſſors for ever, to and for the better Support of the Government of this Her Majeſty's Colony and Dominion of *Virginia*, in ſuch Manner as is herein before expreſſed, and to, and for no other Uſe, Intent, or Purpoſe, whatſoever.

Collectors allow'd Salary, not exceeding 10 *per Cent.*

X. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That for collecting and receiving all and every the Impoſitions or Duties aforeſaid, the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, ſhall be and is hereby impowered and authorized, with the Advice of the Council, from Time to Time, and at all Times hereafter, to nominate, conſtitute, and appoint ſuch and ſo many Collectors, Receivers, or other Officers, as ſhall be found neceſſary, and to allow them ſuch Salary, *(i)* not exceeding Ten *per Cent.* as ſhall be thought reaſonable: And for Encouragement to all Maſters of Ships and Veſſels, or other Perſons, who ſhall hereafter be concerned in the Payment of the Impoſitions or Duties aforeſaid, to give in true Accounts, and to pay down the whole Duties of a Ship, in One entire Sum, either in Money, or good and ſufficient Bills of Exchange, to the Liking and Satisfaction of the Collector appointed to receive the ſame,

Maſters of Ships allow'd 10 *per Cent.* upon the Payment of the Duties.

XI. *BE it Enacted, by the Authority aforeſaid, and it is hereby Enacted,* That the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, be and is hereby further authorized and impowered, with the

(h) The Maſter, by the Act of 1680, forfeits, for this Offence, 100 *l.*
(i) The Salary is not limited by the other Act.

Advice

A. D. 1710.

Advice of the Council, to give and allow to every Master of a Ship or Vessel, or other Person, which shall so do, such reasonable Allowance and Abatement of the Impositions or Duties aforesaid, not exceeding Ten *per Cent.* as shall be adjudged fitting.

Privilege of *Virginia* Owners.

XII. *PROVIDED always, and it is hereby Enacted and Declared, by the Authority aforesaid*, for Encouragement to *Virginia* Owners, That every Ship or Vessel wholely and solely belonging to the Inhabitants of this Colony and Dominion, shall have the Privilege of being allowed the aforesaid Duties or Impositions of Two Shillings, and of One Shilling Three Pence accruing due upon her lading of Tobacco, and for her Port Duties, to the proper Use, Benefit, and Advantage of her Owner or Owners; and every Collector or Receiver of the aforesaid Duties or Impositions, is hereby required to allow the same accordingly, unto the Master of every such Ship or Vessel, upon his clearing; any thing in this Act, or any other Act, Law, Usage, or Custom to the contrary, notwithstanding.

Proof of the Property to be made by the Oath of one of the Owners, and certified to the Collectors.

XIII. AND for Prevention of Frauds which may be used to obtain the Privilege aforesaid, *Be it also further Enacted and Declared, by the Authority aforesaid*, That no Ship or Vessel whatsoever, shall be accounted or taken to belong wholely and solely to the Inhabitants of this Her Majesty's Colony and Dominion of *Virginia*, until Proof thereof be made, by the Oath of One of her Owners, before the Governor, or Commander in Chief of this Colony and Dominion, for the Time being, and his Testimonial thereupon had, under the Seal of the Colony, or until such Proof be made before the General Court, and a Certificate thereupon had, from the Clerk of the said Court, under the Seal of his Office: And that no Collector or Receiver of the Impositions or Duties aforesaid, or either of them, shall allow to any Ship or Vessel whatsoever, the aforesaid Privilege, upon the Impositions or Duties aforesaid, or either of them, unless the Master of the said Ship or Vessel, at the Time he demands the same, shall produce Testimonial or Certificate, as aforesaid, and also himself make Oath, that he doth not know that any Part of the said Ship or Vessel doth belong to any Person whatsoever, which is not an Inhabitant of *Virginia*; any thing in this Act aforesaid to the contrary, or seeming to the contrary, notwithstanding.

All other Acts repealed: But this Clause is of no Force.

XIV. *AND be it further Enacted*, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to raising a Public Revenue for the better Support of the Government of this Her Majesty's Colony and Dominion of *Virginia*, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby Repealed and made void, to all Intents and Purposes, as if the same had never been made.

Expired. Chap. 6. *An Act appointing a Treasurer.*

Expired. 7. *An Act for reviving and continuing an Act*, For Security and Defence of the Country in Times of Danger.

Ch. 23, 1748. 8. *An Act for Prevention of Abuses in Tobacco shipped on Freight.* REP.

Expired. 9. *An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.*

Ch. 9, 1727. 10. *An Act for settling and ascertaining the current Rates of foreign Coins in this Dominion.* REP.

Chap.

A. D. 1710.

Chap. 11. *An Act for establishing County Courts, and for regulating and settling the Proceedings therein.* REP. Ch. 7, 1748.

CHAP. XII.

An Act to prevent the destroying and murdering of Bastard Children.

I. WHEREAS several leud Women, that have been delivered of Bastard Children, to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children; and after, if the Child be found dead, the said Women do alledge, that the said Child was born dead; whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women, their leud Mothers, or by their Assent or Procurement: For preventing therefore of this great Mischief, Preamble. The Statute 21 *Jac.* Cap. 27. enacted.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That if any white or other Woman, not being a Slave, after One Month next ensuing the End of this present Session of Assembly, be delivered of any Issue of her Body, Male or Female, which being born alive, should by Law be a Bastard, and that she endeavour privately, either by drowning, or secret burying thereof, or any other Way, either by herself, or the procuring of others, so to conceal the Death thereof, as that it may not come to Light, whether it were born alive, or not, but be concealed; in every such Case, the Mother so offending, shall suffer Death, as in Case of Murder, except such Mother can make Proof, by One Witness at the least, that the Child (whose Death was by her so intended to be concealed) was born dead. Mothers of Bastard Children born alive, endeavouring to conceal the Death of their Bastards, by drowning, private Burial, &c. guilty of Murder, &c.

III. AND to the End, this Act may be made Public, *Be it further Enacted, by the Authority aforesaid,* That the same shall be read Yearly, on some *Sunday* in *May*, in all Parish Churches and Chappels within this Colony, by the Minister or Reader of each Parish, immediately after Divine Service, under the Penalty of Five Hundred Pounds of Tobacco for every Omission and Neglect therein: To be recovered, with Costs, by the Informer, in an Action of Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed. And the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish, under the Penalty of Five Hundred Pounds of Tobacco: To be recovered in Manner aforesaid. This Act shall be Yearly, in *May*, read in all Churches and Chappels, under Penalty of 500*lb.* Tobacco, &c.

Chap. 13. *An Act for settling the Titles and Bounds of Lands, and for preventing unlawful shooting and ranging thereupon.* Repealed, Ch. 1, 1748.

14. *An Act for the further Restraint of Tippling-houses, and other disorderly Places.* REP. Ch. 30, 1748.

15. *An Act for raising a public Levy.* Expired.

16. *An Act to set free* Will, *a Negro belonging to* Robert Ruffin. Private.

17. *An Act to enable* Elizabeth Harrison, *Widow and Administratrix of* Benjamin Harrison, *late of the County of* Charles-City, *Gent. deceased, to sell certain Lands and Slaves, late the Estate of the said* Benjamin, *for Payment of the Debts of the said* Benjamin. Private.

Signed by ALEXANDER SPOTSWOOD, *Esq; Governor.*
PETER BEVERLEY, *Speaker.*

A. D. 1711.

Alexander Spotswood, Esq; Governor.

At a General Assembmy, begun at the Capitol, the Twenty Fifth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady Anne, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, Queen, Defender of the Faith, *&c. Annoq; Domini* 1710; and thence continued, by several Prorogations, to the Seventh Day of *November*, *Annoq; Domini* 1711.

Expired. Chap. 1. *An Act for appointing Rangers.*

Ch. 5, 1748. 2. *An Act directing the Manner of granting Probats of Wills, and Administration of Intestates Estates.* REP.

Ch. 6, & 45, 1748. 3. *An Act for building a Prison for Debtors to be committed by the General Court.* REP.

Private. 4. *An Act to enable* Francis Yates, *of the County of* Richmond, *to convey certain entailed Lands to* John Tayloe, *Gent. in Lieu of other Lands and Negroes, of greater Value, to be settled to the same Uses.*

Private. 5. *An Act to enable* John Custis, *and* Frances *his Wife, to sell a Mill, with certain Lands and Negroes, which are entailed on the said* Frances, *by the last Will and Testament of* Daniel Parke, *Esq; deceased, for Payment of the Debts and Legacies of the said* Daniel.

Signed by Alexander Spotswood, *Esq; Governor*,
Peter Beverley, *Speaker*.

At

A. D. 1712.

At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty Second Day of *October*, in the Eleventh Year of the Reign of our Sovereign Lady ANNE, by the Grace of God, of *Great-Britain, France,* and *Ireland,* Queen, Defender of the Faith, *&c. Annoq; Domini* 1712.

ALEXANDER SPOTSWOOD, Esq; Governor.

Chap. 1. *An Act for continuing an Act, intituled,* An Act for Security and Defence of the Country in Times of Danger. Expired.

2. *An Act to continue an Act, intituled,* An Act for appointing Rangers, and for increasing their Pay. Expired.

3. *An Act for continuing an Act, intituled,* An Act for laying a Duty on Liquors and Slaves, *&c.* Expired.

4. *An Act to prevent Land lapsing from Infants, for not seating and planting, or not paying Quit-Rents, until Three Years after they come of Age.* REP. Ch. 1, 1748.

5. *An Act for appointing Rolling-houses, and public Landings, and ascertaining the Prices of Storage.* REP. Ch. 27, 1748.

6. *An Act for raising a Public Levy.* Expired.

7. *An Act to enable* William Manley, *Gent. to sell and dispose of certain entailed Lands and Tenements, lying in the County of* Westmoreland, *on settling other Lands and Tenements, lying in the said County, of which he is seised in Fee, to the same Uses.* Private.

Signed by ALEXANDER SPOTSWOOD, *Esq; Governor.*
PETER BEVERLEY, *Speaker.*

At

A. D. 1713.

Alexander Spotswood, Esq; Governor.

At a General Assembly, begun and holden at *Williamsburg* the Twenty Second Day of *October*, 1712, in the Eleventh Year of the Reign of our Sovereign Lady Anne, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, Queen, Defender of the Faith, *&c.* and thence continued, by several Prorogations, to the Fifth Day of *November*, 1713: Being the Second Session of this present General Assembly.

By Proclamation, *Nov.* 12, 1717.

Chap. 1. *An Act for preventing Frauds in Tobacco Payments; and for the better improving the Staple of Tobacco.* REP.

Expired.

2. *An Act for continuing an Act, for appointing Rangers; and an Act to continue an Act, for appointing Rangers, and for increasing their Pay; and also, to impower the Lieutenant Governor to disband the Rangers, and to apply the Pay appropriated for them, to any other Use which he shall think fit, for the better Security of the Frontiers.*

Ch. 1, 1748.

3. *An Act declaring what shall be accounted a sufficient Seating, Planting, Cultivating, and Improving of Lands already granted, or hereafter to be taken up and patented.* REP.

CHAP. IV.

An Act for registering Births, Christnings, and Burials.

Preamble.

I. WHEREAS it is judged convenient, that an exact and regular Account of all Persons who shall be born, christned, or buried in this Colony, should be kept, and an Act, made at a Grand Assembly, held at *James* City, the Twenty-Third Day of *March*, in the Year One Thousand Six Hundred Sixty Two, requiring, among other Things, *Registers of Births and Burials* to be kept, hath for a long Time been disused, and the Method prescribed in the said Act, hath not answered the End for which it was intended,

Notice of the Birth of Children shall be given within 20 Days, to the Minister or Clerk of the Parish, on Penalty of 200*lb.* Tobacco.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Twentieth Day of a *April*, next after the End of this Session of Assembly, the Parents of every Child which shall be born Free, or One of them, and the Master, Owner, or Overseer of every Child which shall be born a Slave, shall, within Twenty Days after the Birth of such Child or Children, give Notice, in Writing, of the Birth of such Child and Children, together

gether with the Name of the Parents of ſuch Free-born Child, and the Name of the Owner or Maſter of ſuch Child born in Slavery; and ſhall diſtinguiſh whether ſuch Child or Children be Male or Female, to the Miniſter of the Pariſh where ſuch Child or Children ſhall be born; and if there ſhall be no Miniſter of the ſaid Pariſh, then, and in ſuch Caſe, the Notice ſhall be given, as aforeſaid, to the Clerk of the ſaid Pariſh, or of the Church or Chappel neareſt to the Place where ſuch Birth and Births ſhall be: And if any Parent of a Child born Free, or the Maſter, Owner, or Overſeer of any Child which ſhall be born a Slave, ſhall neglect or refuſe to give ſuch Notice, within the Time herein before limited for doing thereof, every Parent, Maſter, Owner, and Overſeer, ſo neglecting or refuſing, ſhall forfeit and pay Two Hundred Pounds of Tobacco for every Offence. *A. D. 1713.*

III. *AND be alſo Enacted, by the Authority aforeſaid*, That from and after the ſaid Twentieth Day of *April*, the Maſter or Miſtreſs of every Family or Houſe, where any Perſon, being Free, ſhall die, and the Maſter, Owner, or Overſeer of any Slave, who ſhall die, ſhall, within Twenty Days after the Death of ſuch Free Perſon or Slave, give Notice in Writing of the Death of ſuch Free Perſon, and the Chriſtian and Surname of ſuch Free Perſon, and of the Death of ſuch Slave, and the Name or Names ſuch Slave was called by, together with the Names of the Maſter or Owner of ſuch Slave, to the Miniſter of the Pariſh, where ſuch Free Perſon or Slave ſhall die; or if there ſhall happen to be no Miniſter of the ſaid Pariſh, then the Notice of ſuch Death ſhall be given, as aforeſaid, to the Clerk of the ſaid Pariſh, or to the Clerk of the Church or Chappel neareſt to the Place, where ſuch Free Perſon or Slave ſhall die. And if any Maſter or Miſtreſs of any Houſe or Family, where any Free Perſon ſhall die, or the Maſter, Owner, or Overſeer of any Slave dying, ſhall neglect or refuſe to give Notice of ſuch Death, within the Time herein before for that Purpoſe limited and appointed, every Maſter and Miſtreſs of ſuch Houſe or Family, and every Maſter, Owner, and Overſeer of ſuch Slave ſo dying, who ſhall neglect or refuſe to give ſuch Notice, ſhall forfeit and pay Two Hundred Pounds of Tobacco for every Offence.

And of all Perſons, who ſhall die.

Penalty.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the ſaid Twentieth Day of *April*, the Miniſter of every Pariſh within this Colony, ſhall keep a fair and exact Regiſter of all the Births and Deaths of the Perſons within his Pariſh, of which Notice ſhall have been given to him, according to the Directions of this Act; as alſo of all Perſons which ſhall be baptized by him: And the Clerk of every Pariſh Church or Chappel, whereof there ſhall be no Miniſter, ſhall keep a fair and exact Regiſter of all the Births and Deaths of the Perſons within the Pariſh or Place whereof he ſhall be Clerk, of which he ſhall have had Notice, in Manner as is above directed: In which ſaid Regiſter ſhall be expreſſed and diſtinguiſhed, the Names of the Perſons which ſhall be born Free, and of their Parents, and the Names of the Perſons which ſhall be baptized, and the Names of the Maſter or Owner of the Slaves which ſhall be born, and whether ſuch Slave be Male or Female; and alſo the Names of all Perſons dying, together with the Names of the Maſter or Owner of the Perſons dying in Slavery; a fair and true Copy of which Regiſter, ſigned by the Miniſter or Clerk keeping the ſame, ſhall, on the Twentieth Day of *April*, and on the Twentieth Day of *October*, in every Year, by him be returned to the Office of the Secretary of this Dominion: For the keeping and returning of which ſaid Regiſter, as above directed, there ſhall be ſatisfied and paid to the Miniſter or Clerk reſpectively keeping the ſame, Three Pounds of Tobacco for every Perſon ſo regiſtred: The Fee for regiſtring of the Births and Chriſtenings of all Free Perſons, ſhall be paid by the Parent of ſuch Child; and the Fee for regiſtring the Births of all Slaves, ſhall be paid by the Owner of ſuch Slave; and the Fee for regiſtring the Death of all Free Perſons, ſhall be paid by the Perſon who ſhall give Notice of ſuch Death; and the Fee for regiſtring the Death of all Slaves, ſhall be paid by the Owner of ſuch Slaves: All which Fees for regiſtring, ſhall and are hereby declared to be diſtrainable. And if any Miniſter or Clerk ſhall

Miniſter or Clerk ſhall keep a Regiſter of all Births and Deaths within the Pariſh, and of Perſons baptized.

Method of Regiſtring.

Copy of the Regiſter ſhall be return'd to the Secretary's Office, in *April* and *October*, Yearly.

Fee for every Perſon regiſtred, 3 *lb.* Tobacco.

By whom payable.

May be levied by Diſtreſs.

A. D. 1713.

Penalty on Neglect or Refusal to keep or return the Register.

neglect or refuse to keep or return such Register, in Manner before in this Act appointed, every Minister and Clerk so refusing or neglecting to keep or return such Register, shall forfeit and pay Two Hundred Pounds of Tobacco for every Month he shall refuse or neglect to keep or return the same.

Penalties appropriated, & recoverable before a Justice of the Peace.

V. *AND be it further Enacted, by the Authority aforesaid,* That One Moiety of all the Forfeitures and Penalties, above by this Act inflicted and laid, shall go and be to the Use of the Parish where the Person forfeiting the same shall reside, at the Time such Forfeiture shall become due; the other Moiety to him or them who will inform or sue for the same: Every of which Forfeitures and Penalties shall and may be recovered before One of Her Majesty's Justices of the Peace.

This Act to be read in Churches, &c. in *March* and *September*, Yearly, under Penalty of 200 *lb.* Tob.

Churchwardens shall provide a Copy, or forfeit 500 *lb.* Tob.

VI. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall be publicly read in all Parish Churches and Chappels within this Colony, Twice in every Year; that is to say, on some *Sunday* in *March*, and on some *Sunday* in *September*, immediately after Divine Service, by the Minister, Reader, or Clerk of each Parish, under the Penalty of Two Hundred Pounds of Tobacco for every such Omission or Neglect: And the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish; and every Churchwarden and Churchwardens who shall neglect to provide such Copy, shall forfeit and pay Five Hundred Pounds of Tobacco; One Moiety of which said Two Hundred Pounds of Tobacco, and of the said Five Hundred Pounds of Tobacco, shall go and be to the Use of the Parish where such Forfeitures shall become due; the other Moiety to him or them who will inform or sue for the same.

Repeal of all former Laws relating to any Matter within this Act.

VII. *AND be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to the registring Births, Christenings, or Deaths, or to the Fees given for the same, or any other Matter or Thing within the Purview of this Act, is and are hereby Repealed, and made void to all Intents and Purposes, as if the same had never been made.

Expired.

Chap. 5. *An Act to continue an Act, intituled,* An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.

Ch. 16, 1748.

6. *An Act for continuing an Act, intituled,* An Act for the Regulation and Settlement of Ferries, and for Dispatch of public Expresses. REP.

Ch. 17, 1748.

7. *An Act for reviving and continuing an Act, intituled,* An Act prohibiting Seamen being harboured or entertained on Shore. REP.

Ch. 40, 1748.

8. *An Act to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.* REP.

Expired.

9. *An Act to impower* John Holloway, *and* John Clayton, *Gent. to receive of the Trustees for the City of* Williamsburg, *and of all other Persons whatsoever, all Monies by them received for Lots of Land, and otherwise, for the Benefit of the said City; and the Sum of Two Hundred and One Pounds Nine Shillings and Nine Pence of*

Robert

Robert Carter, *Esq*; *and to apply such Monies to certain Uses; and also impowering them to keep the Accounts of the Governors House, and directing the finishing of the same.* *A. D.* 1713.

Chap. 10. *An Act for raising a Public Levy.* Expired.

11. *An Act for dividing Saint* Mary's *Parish*, &c. Private.

12. *An Act to enable* William Smith, *Gent. to sell and dispose of certain entailed Lands and Tenements, lying in the County of* New-Kent, *on settling other Lands and Tenements, lying in* King William *County, of which he is seised in Fee, to the same Uses.* Private.

Signed by ALEXANDER SPOTSWOOD, *Esq*; *Governor*.
PETER BEVERLEY, *Speaker*.

At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty Second Day of *October*, in the Eleventh Year of the Reign of Her late Majesty Queen ANNE, and in the Year of our Lord, 1712: And thence continued, by several Prorogations, to the Sixteenth Day of *November*, in the first Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c. Annoq; Domini*, 1714. And then held, pursuant to an Act of Assembly, made in the Fourth Year of the Reign of Her said late Majesty, intituled, *An Act for the continuing of General Assemblies, in case of the Death or Demise of Her Majesty, her Heirs and Successors*, &c.

A. D. 1714.
ALEXANDER SPOTSWOOD, *Esq*; Governor.
Ch. 28, 1705.

CHAP. I.

An Act for regulating and settling the current Rates of Gold Coin, and of British *Silver Coin, in this Dominion.*

See Chap. 9. 1727.

I. WHEREAS the Rates at which foreign coined Gold hath passed in this Colony have hitherto been unsettled, and some of them disproportionate to others of the same intrinsic Value, and all unequal to the coined Gold of Preamble.

A. D. 1714. of *Great-Britain*: Wherefore, for ascertaining the Rates thereof, as near as may be, at an equal Value,

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the several Species of Gold Coin herein after mentioned and set down, shall be current within this His Majesty's Colony and Dominion, in all Payments, for the discharging any Contracts, Bargains, or Debts, to be made or contracted after the Publication of this Act; and shall pass, be accounted, and received, at the following Rates, That is to say, All Pieces of *British* Gold Coin, not milled, and all *Spanish* or *French* coined Gold, all Pieces of coined Gold of the *Empire*, all *Chequeens* and *Arabian* Pieces of Gold, and Moidores of *Portugal*, and all lesser Pieces of that Species, shall pass and be current, according to their respective Weights, at and after the Rate of Five Shillings the Penny-Weight: And all Guineas shall pass and be current, at Twenty-Six Shillings a-piece, and the Half Guineas in Proportion.

Gold Coin not milled, 5*s.* *per* Penny Weight.

Guineas, 26*s.* each.

III. AND whereas the Silver Coin of *Great-Britain*, called *Sterling*, doth now pass at a lower Rate, in this Colony, than the Coin of Foreign Princes and States, current here: For rectifying whereof,

So much of these 2 Clauses as relates to *Sterling* Silver is repealed by Ch. 9, 1727.

IV. *BE it Enacted, by the Authority aforesaid*, That the several Pieces of *Sterling* milled Money, called Crowns, Half Crowns, Shillings, and Six-Pences, shall pass, be accounted, and received, in all Payments, for the discharging any Contracts, Bargains, or Debts, to be made or contracted after the Publication of this Act, at the Rate of Five Shillings and Ten Pence for each milled Crown, and all Half Crowns, Shillings, and Six-Pences, according to that Proportion: And that all old *British* Silver Coin, not milled, shall pass at the Rate of Three Pence Three Farthings the Penny-Weight. And if any Person or Persons whatsoever, deny or refuse to take and receive the aforesaid Coins of Gold or Silver, or any of them, when offered or tendered in Payment of a Money-Debt, contracted after the Publication of this Act, at the full Rate, Price, and Value set by this Act, he, she, or they so refusing, shall lose and forfeit to the Person offering or tendering the same, such Sum or Sums of Money, as he, she, or they so refuse or deny to take: To be recovered by Action of Debt, or Information, in any Court of Record, in this Dominion; wherein no Essoin, Protection, or Wager of Law shall be allowed. And if the said Forfeiture shall be less than Twenty Shillings, to be recovered before any Justice of the Peace of the County where the Refusal shall happen to be made.

Penalty on refusing Money at the Rates set by this Act.

V. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons shall, at any Time or Times hereafter, coin, counterfeit, falsify, or debase any of the Coins above in this Act mentioned, or shall be aiding, consenting, or counselling therein, he, she, or they so offending, and being thereof lawfully convicted, shall be deemed and adjudged as guilty of High-Treason; and shall suffer such Pains, Penalties, and Forfeitures, as are inflicted and laid on Offenders in such Cases, by the Laws of *England*.

Coining, &c. High-Treason.

VI. *PROVIDED neverthelefs, and it is hereby meant and intended*, That nothing in this Act contained, shall extend, or be construed to extend, to any Money-Payment already due, or to the Payment of any of the Revenues of His Majesty, arising within this Colony, or to any Salaries payable out of the same, or to any Payment to be made for any Debt due on a Bill of Exchange protested, or on any Specialty expressed to be due in *Sterling* Money, or on any Debt contracted in *Great Britain*.

Exceptions.

VII. *PROVIDED also, and it is hereby Declared*, That nothing in this Act contained, shall extend, or be construed to extend, to restrain His Majesty from Regulating or Settling the several Rates of the said several Species of Foreign

Saving to the Royal Prerogative.

Coins

Coins of Gold, or of *British* Coins of Gold or Silver, within this Colony and Dominion, in such other Manner, and according to such Rates and Values, as His Majesty, by his Royal Proclamation for that Purpose to be issued, or by his Royal Instructions to his Governor, or Commander in Chief of this Dominion, for the Time being, shall, from Time to Time, judge proper and necessary. *A. D.* 1714.

Chap. 2. *An Act to oblige Owners and Occupiers of Mills, to which public Roads shall lead, to make the Dams of such Mills Ten Feet wide at the Top.* REP. Ch. 26, & 28, 1748.

CHAP. III.

An Act for erecting a Magazine.

I. WHEREAS our late Sovereign Lady Queen *Anne*, of her Grace and Bounty, was pleased to bestow a considerable Quantity of Arms and Ammunition, for the Service of this Colony, which are in Danger to be imbezzled and spoilt, for want of a convenient and proper Place to keep them in, Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, the Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That as soon as conveniently it may be done, there shall be erected and finished One good substantial House of Brick, which shall be called the Magazine, at such Place as the Lieutenant Governor shall think proper: In which Magazine, all the Arms, Gun-powder, and Ammunition, now in this Colony, belonging to the King, or which shall at any Time hereafter be, belonging to His Majesty, his Heirs or Successors, in this Colony, may be lodged and kept. For the building and finishing which Magazine, there shall be laid out and expended any Sum or Sums of Money, not exceeding Two Hundred Pounds; to be levied and paid out of the Monies arising by the Duty on Liquors and Slaves, after the Monies already appropriated and ordered to be paid out of the said Duty, are fully satisfied and paid: And the Honourable the Lieutenant-Governor is hereby impowered and desired to order and direct the building the said Magazine, and to issue his Warrant from Time to Time on the Treasurer of this Dominion, for the Payment of the Money hereby given.

A Magazine to be built of Brick, for keeping the Arms, Ammunition, *&c.* belonging to the King.

Governor to direct the Building, and to issue his Warrant on the Treasurer, for Payment of Money necessary for finishing the Work, not exceeding 200 *l.*

III. *AND be it further Enacted, by the Authority aforesaid,* That so soon as the said Magazine shall be fit to receive therein the Arms and Ammunition, it shall and may be lawful for the Lieutenant-Governor, or the Governor or Commander in Chief of this Dominion, for the Time being, to constitute and appoint a Person to look after and take Charge of the Magazine, and the Ammunition which shall be lodged therein; which Person so appointed, shall be called the Keeper of the Magazine, who shall have and receive the Yearly Salary of Twenty Pounds: And also to constitute and appoint One other Person to take Care of, keep, clean, and mend the Arms which shall be kept in the said Magazine; which Person shall be called the Armourer, who shall have and receive the Yearly Salary of Twenty Pounds. Which said Salaries of Twenty Pounds hereby given to the Keeper of the Magazine, and to the Armourer, shall be paid and satisfied Yearly, out of the Monies arising by the said Duty on Liquors and Slaves, after the Monies already appropriated and ordered to be paid out of the said Duty, shall be fully satisfied and paid.

And to appoint a Magazine-keeper.

His Salary, 20 *l. per Ann.*

And an Armourer, with like Salary.

To be paid out of Monies arising by the Duties on Liquors and Slaves.

IV. *AND be it further Enacted, by the Authority aforesaid,* That when, and so soon as there shall be a Company erected and incorporated by Charter, or Act of Assembly, by the Name of the *Virginia Indian* Company, or by any other Name, to trade with the *Indians* tributary to this Government, or Foreign; such

When the *Virginia Indian* Company shall be incorporated, they shall

A. D. 1714. ſhall pay to the Treaſurer, 100*l.* towards re-imburſing the Monies expended, in Purſuance of this Act.

ſuch Company ſhall, before they be permitted to uſe or exerciſe their ſaid Trade, pay to the Treaſurer of this Dominion, the Sum of One Hundred Pounds, in Part of ſuch Money as ſhall have been laid out and expended, by the Directions of this Act, for building and finiſhing the ſaid Magazine.

Chap. 4. *An Act for altering the Day for* Princeſs-Anne *County Court, and the Day for* Eſſex *County Court.* PRIV.

Repealed, Ch. 23, 1748.

5. *An Act for continuing an Act, intituled,* An Act for Prevention of Abuſes in Tobacco ſhipped on Freight.

Signed by ALEXANDER SPOTSWOOD, *Eſq; Governor,*
PETER BEVERLEY, *Speaker.*

A. D. 1715. ALEXANDER SPOTSWOOD, Eſq; Governor.

At a GENERAL ASSEMBLY, begun at the Capitol, on the Third Day of *Auguſt*, in the Second Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain, France,* and *Ireland*, King, Defender of the Faith, *&c. Annoq; Domini,* 1715.

Expired. Chap. 1. *An Act for the Encouragement of ſuch Perſons as have gone and ſhall go voluntarily into the Service of* South-Carolina.

Expired. 2. *An Act for raiſing a Public Levy.*

Private. 3. *An Act requiring the Veſtry of the Pariſh of* Henrico, *to build a Chappel in the ſaid Pariſh.*

Signed by ALEXANDER SPOTSWOOD, *Eſq; Governor.*
DANIEL MC CARTY, *Speaker.*

At

At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty Third Day of *April*, in the Fourth Year of the Reign of our Sovereign Lord GEORGE, King of *Great-Britain, France*, and *Ireland, Annoq; Domini*, 1718.

ALEXANDER SPOTSWOOD, Esq; Governor.

Chap. 1. *An Act for settling the Fees of the Secretary, County Court Clerks, Sheriffs, Coroners, and Constables; and for ascertaining the Fees of Attornies, to be allowed in a Bill of Costs.* Expired.

2. *An An Act to impower* Harry Beverley, *and others, to build a Bridge over the Dragon Swamp.* Private.

3. *An Act for granting One Thousand Pounds out of the public Fund, for the maintaining and educating Scholars of the College of* William *and* Mary. Private.

4. *An Act to enable* Michael Megginson, *of the County of* King *and* Queen, *Planter, to sell certain Lands in the County of* Gloucester, *entailed on him and the Heirs of his Body, upon his settling other Lands of a greater Value, to the same Uses.* Private.

Signed by ALEXANDER SPOTSWOOD, *Esq; Governor.*
DANIEL MC CARTY, *Speaker.*

At

A. D. 1718.

ALEXANDER SPOTSWOOD, Esq; Governor.

At a GENERAL ASSEMBLY, begun at the Capitol, the Twenty Third Day of *April*, *Annoq; Domini*, 1718, in the Fourth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and thence continued, by Prorogation and Adjournment, to the Eleventh Day of *November*, 1718: Being the Second Session of this present Assembly.

Expired. Chap. 1. *An Act impowering the Treasurer of this Colony to put out at Interest, a Sum not exceeding Ten Thousand Pounds, now in his Hands.*

Expired. 2. *An Act for raising a Public Levy.*

Signed by ALEXANDER SPOTSWOOD, *Esq; Governor.*
DANIEL MC CARTY, *Speaker.*

A. D. 1720.

ALEXANDER SPOTSWOOD, Esq; Governor.

At a GENERAL ASSEMBLY, begun and holden at the Capitol, in the City of *Williamsburg*, on the Second Day of *November*, in the Seventh Year of the Reign of our Sovereign Lord GEORGE the First, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1720.

Had its Effect. Chap. 1. *An Act for erecting the Counties of* Spotsylvania *and* Brunswick; *and granting certain Exemptions and Benefits to the Inhabitants thereof.*

2. *An Act for the better Discovery and securing His Majesty's Quit-Rents.* (a)

(a) The Execution of this Act was suspended, until approved by the King; and no such Approbation being had, it is not printed.

Chap.

Chap. 3. *An Act explaining, and further declaring, what shall be accounted a sufficient Seating and Improvement to save Lands from Lapsing; and for the better Recovery of Lands lapsed from Persons living out of the Country.* A. D. 1720. Repealed, Ch. 1, 1748.

4. *An Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.* REP. Ch. 10, 1748.

5. *An Act for the more effectual preventing the tending of Seconds.* REP. Ch. 24, 1748.

6. *An Act giving a Reward for killing of Wolves; and repealing all other Acts relating thereto.* REP. Ch. 50, 1748.

7. *An Act for explaining and amending an Act, intituled,* An Act for appointing Rolling-houses and public Landings, and ascertaining the Prices of Storage. REP. Ch. 27, 1748.

8. *An Act for settling new Ferries on* Pamunky, Mattapony, *and* Patowmack *Rivers; and for ascertaining the Rates of Ferriage for Wheel-Carriages.* REP. Ch. 16, 1748.

9. *An Act for raising a public Levy.* Expired.

10. *An Act for dividing St.* John's *Parish, in the County of* King William. Private Acts.

11. *An Act for enlarging* Charles-City *County, and for consolidating those Parts of the Parishes of* Westover *and* Weynoake, *on the* North *Side of* James *River, and that Part of* Wallingford *Parish, on the* West *Side* Chickohominy *River.*

12. *An Act to divide those Parts of the Parishes of* Westover *and* Weynoake, *which lie on the* South *Side* James *River, from those Parts of the said Parishes which lie on the* North *Side the said River; and for uniting* Westover *and* Weynoake *Parishes, on the* South *Side* James *River, to* Martin Brandon *Parish, in the County of* Prince George: *And for erecting a Chappel in* Bristol *Parish, in the said County.*

13. *An Act for dividing the Parish of* Henrico, *in the County of* Henrico.

14. *An Act for dividing* Richmond *County.*

15. *An Act for dividing* New-Kent *County.*

16. *An Act to impower* Henry Cary, *Gent. to finish the House of the Governor of the Colony and Dominion of* Virginia.

17. *An Act to alter the Day for* Northampton *County Court.*

18. *An Act to enable* Abraham Cocke *to sell certain intailed Lands; and for settling other Lands to the same Uses.*

Signed by ALEXANDER SPOTSWOOD, *Esq; Governor.*
JOHN HOLLOWAY, *Speaker.*

A. D. 1722.

Alexander Spotswood, Esq; Governor.

At a General Assembly, begun and holden at *Williamsburg*, the Second Day of *November*, *Annoq; Domini*, 1720, in the Seventh Year of the Reign of our Sovereign Lord George, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued, by several Prorogations, to the Ninth Day of *May*, 1722: Being the Second Session of this present General Assembly.

Repealed, Ch. 48, 1748.

Chap. 1. *An Act for encouraging the making of Tar and Hemp.*

CHAP. II.

An Act to oblige Ships, coming from Places infected with the Plague, to perform their Quarentine.

Preamble.

I. WHEREAS several Places in *Europe*, are, and for some Time past have been, infected with the Plague: For preventing that Infection from being brought into this Dominion, by Persons or Merchandizes coming from such Places, by obliging all Persons concerned, to perform their Quarentine, in such Manner as shall be, in Times of Infection, ordered by His Majesty's Lieutenant-Governor, or by the Governor or Commander in Chief of this Colony and Dominion, for the Time being, by and with the Advice and Consent of His Majesty's Council: And for punishing Offenders therein, in a more expeditious Manner than at present can be, in the ordinary Methods of the Law,

Ships, *&c.* coming from Places infected with the Plague, shall perform Quarentine, until discharged.

II. *BE it Enacted, by the Honourable the Lieutenant-Governor, the Council, and Burgesses, of this General Assembly, and by the Authority of the same,* That during the present Infection, and in all future Times, when any Foreign Countries or Places shall be infected with the Plague, all Ships or Vessels coming into this Dominion of *Virginia*, from Places so infected, shall be obliged to make their Quarentine, in such Place and Places, for such Time, and in such Manner, as shall from Time to Time be directed for that Purpose, by the Lieutenant-Governor, or by the Governor or Commander in Chief of this Dominion, for the Time being, by and with the Advice and Consent of His Majesty's Council: And that, during the Time, and until the respective Ships shall be discharged of such Quarentine, no Person coming, or Goods imported in such Ship or Ships, shall come on Shore, or go on any other Ship, or be landed or put into any other Ship, Vessel or Boat, in any Place within this Colony: Nor shall any Person go on Board any such Ship, without Licence first had and obtained in Writing, under the Hand of such Person or Persons who shall be authorized and appointed to see such Quarentine duly performed. And that the said Ships, and the Persons and Goods coming and imported in, or going on Board the same, during the Time of Quarentine; and all Ships, Vessels, Boats, and Persons, receiving any Goods

No Persons or Goods shall be landed, during the Time. Nor any go on Board without Licence. But the Ships, Persons Goods *&c.* shall be subject to Orders, *&c.* publish'd by Proclamation.

Goods or Persons under Quarentine, shall be subject to such Orders, Rules, and Directions, touching Quarentine, as shall be made by the Lieutenant-Governor, or the Governor or Commander in Chief of this Colony and Dominion, for the Time being, by and with the Advice and Consent of His Majesty's Council, and notified by Proclamation.

A. D. 1722.

III. *AND be it further Enacted, by the Authority aforesaid,* That from and after the Publication of this Act, if any Commander, or Master, or other Person, taking Charge of any Ship or Vessel, so coming from any Place infected, as aforesaid, shall himself, or shall permit or suffer any Seamen belonging to such Ship, or any Passenger therein, to quit such Ship or Vessel, by going on Shore, or by going on Board any other Ship, Boat, or Vessel whatsoever, during the Time of the said Quarentine, and until such Ship shall be discharged from Quarentine, without such Licence first had and obtained, as aforesaid; then, and in all and every such Case and Cases, every such Ship and Vessel, with her Tackle, Apparel, and Furniture, shall be forfeited to His Majesty, his Heirs and Successors; and shall and may be seized, sued for, and recovered, in the Court of Vice-Admiralty in this Colony, to the Use of His Majesty, his Heirs and Successors: And further, that if any Person or Persons whatsoever, who shall arrive in any Port or Place within this Colony, in any Ship or Vessel, which shall, by Reason of its coming from any Foreign Country infected with the Plague, be obliged to perform Quarentine, shall, after the Publication of this Act, quit such Ship or Vessel, by coming on Shore, or by going on Board any other Ship or Vessel, before, or while under such Quarentine, it shall and may be lawful for the Persons appointed to see the Quarentine duly performed, to compel, and in Case of Resistance, by Force and Violence, to compel such Person and Persons to return on Board such Ship, and there to remain during the Time of Quarentine. And such Persons so leaving such Ship, and being thereof, after the Expiration of his Quarentine, convicted by the Oath of One or more credible Witnesses, before any One or more Justice or Justices of the Peace, living near the Place where the Offence shall be committed, shall forfeit such Sum, not exceeding Twenty Pounds, as such Justice or Justices shall adjudge; to be forthwith paid down, into the Hands of such Justice or Justices, who are hereby impowered, according to his or their Discretions, to reward the Informer out of the same, not exceeding One Third Part, and are hereby required to pay the Remainder, necessary Charges being deducted, to the Use of the Poor of the Parish, where such Conviction shall be had. And in Default of such Payment, it shall be lawful for such Justice or Justices of the Peace, to commit such Offender to the Public Goal of the County where such Conviction shall be had, for any Time not exceeding One Month.

If any Captain, Passenger, or Seaman quits the Ship, by going on Shore or on Board any other Ship &c. during the Time of Quarentine, the Ship, &c. shall be forfeited to the Crown.

Officers may compel Persons quitting any Ship, &c. under Quarentine, to return on Board.

Penalty on Persons leaving their Ship, &c.

The Informer to be allowed, not exceeding ⅓ Part.

And on Refusal of present Payment, one Month's Imprisonment.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person whatsoever, from and after the Publication of this Act, shall presume to go on Board, and return from any such Ship or Vessel so required to do Quarentine, before, or during the Time of such Quarentine, without such Licence, as aforesaid, every such Offender shall and may be compelled, and in Case of Resistance, may by Force and Violence be compelled, by the Persons appointed, as aforesaid, to return on Board such Ship, and there to remain during the Time of her Quarentine; and the Master of such Ship is hereby obliged to keep and maintain such Person on Board accordingly.

Persons going on Board without Licence, shall be compelled to stay there, during the whole Time of Quarentine.

V. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for any Officer of the Customs, or others who shall be directed to take Care that such Quarentine be duly performed, to seize any Boat or Skiff belonging to such Ship or Vessel, or which shall be therewith found, and to detain the same, until such Quarentine shall be performed: And in Case any such Officer, or other Person so intrusted, as aforesaid, shall voluntarily suffer any Seaman belonging to such Ship or Vessel, or any Passenger therein, to quit such Ship or Vessel, while under Quarentine, every such Offender shall forfeit the Sum of One Hundred Pounds; One Moiety thereof to His Majesty, his Heirs and Successors, for and towards the Support of this Government, and the contingent

Officers may seize Boats, &c. belonging to the Ship.

And if any Person is permitted by the Officer, to leave the Ship, while under Quarentine, such Officer forfeits 100 *l.*

A. D. 1722. tingent Charges thereof; and the other Moiety to the Person or Persons who shall inform or sue for the same, in any Court of Record within this Colony: To be recovered, with Costs of Suit.

Watches to be kept Day and Night.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the Persons appointed to see the said Quarentines performed, in the several Counties adjoining to the Places where the Quarentines are or shall be appointed to be performed, do, and they, or any One or more of them, are hereby required, forthwith, and from Time to Time, when Quarentine shall be appointed to be performed, to cause Watches to be kept both Day and Night, in the most proper and convenient Places, within the several adjacent Parishes, with strict Orders to them, and they are hereby required, not to permit or suffer any Person whatsoever, to come on Shore from, or go on Board any Ships under Quarentine, except such only as have, or shall have, the Charge of seeing the Quarentine duly performed, or as shall be licenced, as aforesaid.

After Performance of Quarentine, *&c.* the Ship, *&c.* shall be released.

VII. *AND it is further Enacted,* That after Quarentine shall have been duly performed by any Ship or Vessel, and the Person or Persons therein, according to the Proclamation to be issued, by the Lieutenant-Governor, or the Governor or Commander in Chief of this Colony, for the Time being, with the Advice and Consent of the Council, as aforesaid, and this Act; and upon Proof to be made, by the Oaths of the Master or other Person having the Charge of the said Ship, and Two of the Persons belonging to such Ship or Vessel, before any Officer of the Customs of this Colony, of the Port or Place where such Quarentine shall be performed, or before any other Person to be appointed to see such Quarentine performed, (who are hereby authorized and required to administer such Oath,) That such Ship or Vessel, and all and every the Person and Persons therein, have duly performed the Quarentine, as aforesaid; and that the Ship or Vessel, and all the Persons on Board, are free from Infection; then, and in such Case, such Officer of the Customs, or other Person to be appointed, as aforesaid, are hereby required to give a Certificate thereof; and thereupon, such Ship or Vessel, and all, and every Person and Persons therein, and thereunto belonging, shall be liable to no further Restraint or Detention during that Voyage, by Reason of any Matter or Thing contained in this Act.

But Goods imported shall be opened & aired.

VIII. *PROVIDED nevertheless, and it is hereby Enacted,* That the Goods imported in such Ships shall, after such Quarentine performed, be opened and aired, in such Place or Places, and for such Time as shall be directed by such Proclamation, as aforesaid.

CHAP. III.

An Act for enforcing and rendering more effectual the Treaties already made, or hereafter to be made, with Foreign Indians.

Preamble.

I. WHEREAS the *Indians* of the Five Nations, and others their Dependants, having Wars with divers Nations of Southern *Indians*, for many Years past have taken their Marches along the Frontiers of this Colony, and many Robberies and other Hostilities have been committed by their Parties, to the great Damage and Disturbance of the Inhabitants in the said Frontier Settlements: And whereas, for preventing the like Injuries for the future, several Treaties have been set on Foot with sundry of the *Indian* Nations, inhabiting within the Limits of His Majesty's Plantations to the Northward of this Dominion, as well for restraining the said *Indians* within certain Limits in their Marches and Huntings, as for preventing any Combinations between them and the *Indians* tributary to this Government, which might prove prejudicial to the Public Peace: And more especially certain preliminary Articles having been proposed on the Part of this Government, and agreed to by the *Indians* of the Five

Preliminary Articles of a Treaty of Peace concluded at *Albany*.

Five Nations, whereby the said Five Nations have solemnly and faithfully promised, that none of their *Indians* shall, at any Time hereafter, cross *Patowmack* River, nor pass to the Eastward of the great Ridge of Mountains, without a Licence or Passport from the Governor of the Province of *New-York*, for the Time being; and on the other Hand, the *Indians* tributary to this Government, have, in like Manner, solemnly engaged, that none of them shall pass over *Patowmack* River, or go to the Westward of the same great Ride of Mountains, without the Licence or Passport of the Governor of this His Majesty's Colony and Dominion, for the Time being: Which said Preliminaries are now intended to be speedily ratified, in a Treaty intended to be had between Commissioners from this Government, and the said Five Nations, at *Albany*. For the better enforcing and rendering more effectual the said Preliminaries, and such other Treaty as shall hereafter be entred into, for the Security of His Majesty's Subjects inhabiting this Dominion; *A. D.* 1722.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Ratification of the present intended Treaty at *Albany*, it shall not be lawful for any *Indian* or *Indians* tributary to this Government, to cross *Patowmack* River, nor pass the great Ridge of Mountains lying Westward of the Inhabited Parts of this Colony, without a Licence or Passport first had and obtained from the Governor or Commander in Chief of this Dominion, for the Time being, under the Seal of the Colony, containing the Number of the *Indians* so licenced, and the Occasion for which the same shall be granted: And if any *Indian* or *Indians* tributary to this Government, shall, after the Time aforesaid, presume to pass to the Northward of *Patowmack* River, or to the Westward of the great Ridge of Mountains, or shall go in greater Numbers than are particularly mentioned in such Licence, every *Indian* and *Indians* so offending, and being thereof convicted, shall suffer Death, or be transported to the *West-Indies*, there to be sold as Slaves, as shall be awarded by the Court, hereby appointed for Trial of the said Offences. And if any such tributary *Indian*, departing out of the Limits aforesaid, without such Pass as is aforementioned, shall there happen to be killed, either by Foreign *Indians*, or by any of His Majesty's Subjects inhabiting the Parts or Places beyond the said Limits, or shall be, by either of them, taken up and transported or sold, no Reparation or Satisfaction shall be demanded by this Government, for such Killing or Transportation.

After Ratification of the Treaty, no tributary *Indians* shall cross *Patowmack* River, or pass *Westward* of the great Ridge of Mountains, without Licence from the Governor of *Virginia*.

Offenders against this Act, punishable by Death or Transportation, & may be killed, or sold for Slaves, *&c.*

III. *AND be it further Enacted, by the Authority aforesaid,* That none of the *Indians* of the Five Nations shall, from and after the Ratification of the present intended Treaty at *Albany*, be permitted to hunt, or travel in or through any Part of this Dominion, lying on the South Side of *Patowmack* River, or on the East Side of the said great Ridge of Mountains, without the Licence or Passport of the Governor or Commander in Chief of the Province of *New-York*, for the Time being. And if any of the said *Indians* of the Five Nations shall, from and after the Time aforesaid, be found travelling, hunting, or ranging, within the Limits herein before-mentioned, without such Licence or Pass, every *Indian* or *Indians* so offending, shall incur the like Penalties as are herein before inflicted on the Tributary *Indians*.

No *Indians* of the Five Nations shall pass *Southward* of *Patowmack* River, or *Eastward* of the Ridge of Mountains, without a Passport from the Governor of *New-York*, under the like Penalties.

IV. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful to and for the Governor or Commander in Chief of this Dominion, and His Majesty's Council, or any Five of them, (whereof the said Governor or Commander in Chief to be One) to hold a Court at any Time or Place within this Colony, where such Governor or Commander in Chief shall appoint, to hear and determine all Offences against this Act; and to take for Proof the Oath of One or more credible Witnesses, or such *Indian* Testimony, or pregnant Circumstances, as shall be convincing, and to proceed thereon, without the Solemnity of a Jury.

Governor and Council may hold Court for Trial of Offenders against this Act.

A. D. 1722.

Præmium for taking up Offenders.

V. *AND be it further Enacted, by the Authority aforesaid,* That when any such *Indian* shall be condemned to Death, there shall be paid to the Person taking up such *Indian*, the Sum of One Thousand Pounds of Tobacco; to be paid by the Public, for each *Indian* so by him taken up; and if such *Indian* shall be condemned to Transportation, the Taker-up shall have the Benefit of selling and disposing of the said *Indian*, and have and receive to his own Use, the Money arising by such Sale.

But Governor and Council may mitigate or remit the Punishments, &c.

VI. *PROVIDED always, and be it Enacted,* That where the Governor or Commander in Chief of this Dominion, for the Time being, shall find any Offenders against this Act, fit Objects of Mercy, it shall and may be lawful for him, with the Advice and Consent aforesaid, to mitigate such Punishment, or totally remit the same, and send the Offender or Offenders back to his or their Nation, as shall be most conducive to the Service and Interest of this Colony.

All *Indians*, who hereafter become tributaries, or agree to Bounds and Limits, &c. liable to the Punishments inflicted by this Act.

VII. *AND be it further Enacted, by the Authority aforesaid,* That all and every Nation of *Indians* who shall hereafter become tributary to this Government, and all and every Nation of Foreign *Indians*, who shall, at any Time hereafter, by Treaty with this Government, agree to be confined to certain Limits and Bounds in their Hunting and Travelling, shall be liable to the like Punishments and Penalties, for departing out of the same: And the Governor or Commander in Chief of this Dominion, for the Time being, with the Advice and Consent of the Council, shall have the same Powers and Authorities of punishing or pardoning the said Offences committed by such *Indians*, as are herein before inflicted, directed, or given.

Note, A Copy of this Act was delivered to the Great Men of the Five Nations, under the Seal of the Colony, at the Treaty at *Albany*, in *September*, 1722, and by them Ratified.

Expired. Chap. 4. *An Act for the further improving the Staple of Tobacco.*

By Proclamation *Jan.* 18, 1723. 5. *An Act for amending the Act concerning Servants and Slaves, and for the better Government of Convicts imported; and for the further preventing the clandestine Transportation of Persons out of this Colony.* REP.

Ch. 17, 1748. 6. *An Act for punishing mutinous and disobedient Seamen, and for the more speedy Determination of Controversies arising between Masters of Ships and their Crews.* REP.

Ch. 29, 1748. 7. *An Act for the more effectual clearing of Rivers and Creeks.* REP.

Ch. 16, 1748. 8. *An Act for settling new Ferries over* York, Rappahanock, *and* Pamunkey *Rivers.* REP.

Ch. 45, 1748. 9. *An Act for making the public Prisons in* Williamsburg *more convenient, and for building a House for the Keeper thereof.* REP.

Expired. 10. *An Act for amending the Breed of Horses.*

Expired. 11. *An Act for raising a public Levy.*

Private. 12. *An Act for the preventing of Swine going at large within the City of* Williamsburg *or the Limits thereof.*

Chap.

A. D. 1722. Private Acts.

Chap. 13. *An Act for building a Church in the Parish of* Accomack.

14. *An Act for the vesting the Fee Simple Estate of certain Lands, in* William Beverley, *of the County of* King and Queen, *Gent. upon certain Considerations therein mentioned.*

15. *An Act to enable* John Blincoe *to sell certain intailed Lands upon his settling other Lands to the same Uses.*

16. *An Act to enable* Francis Smith *to convey certain intailed Lands to* John Spicer, *Gent. in Fee Simple, upon the said* John Spicer's, *conveying other Lands, therein mentioned, to the same Uses.*

Signed by ALEXANDER SPOTSWOOD, *Esq; Governor.*
JOHN HOLLOWAY, *Speaker.*

At a GENERAL ASSEMBLY, summoned to be held at *Williamsburg*, the Fifth Day of *December*, *Anno Domini*, 1722, in the Ninth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And by Writ of Prorogation, begun and holden on the Ninth Day of *May*, 1723.

A. D. 1723. HUGH DRYSDALE, Esq; Governor.

Chap. 1. *An Act for laying a Duty on Liquors and Slaves.* REP. By Proclamation, *October* 27, 1724.

2. *An Act for the Settling and better Regulation of the Militia.* REP. Ch. 2, 1738.

3. *An Act for reviving the Act, intituled,* An Act for Security and Defence of the Country in Times of Danger. Expired.

4. *An Act directing the Trial of Slaves committing capital Crimes; and for the more effectual punishing Conspiracies of them; and for the better Government of Negroes, Mulattos, and* Indians, *Bond or Free.* REP. Ch. 38, 1748.

5. *An Act for the better and more effectual improving the Staple of Tobacco.* Expired.

6. *An Act for the better securing the Payment of Levies, and Restraint of vagrant and idle People; and for the more effectual Discovery and Prosecution of Persons having Bastard Children.* Expired.

Chap.

A. D. 1723.

Private. Chap. 7. *An Act for the Transportation of* Dick, *and other Negroe Slaves.*

Expired. 8. *An Act appointing a Treasurer, and impowering him to receive the Monies in the Hands of the late Treasurer.*

Expired. 9. *An Act for raising a Public Levy.*

CHAP. X.

An Act for enlarging the Jurisdiction of the Court of Hustings, in the City of Williamsburg, *within the Limits thereof.*

Preamble.

Recital of a Charter for incorporating the Inhabitants of *Williamsburg*, dated *July* 28, 1722.

I. WHEREAS, Your Majesty, by Your Letters Patents, bearing Date the Twenty-Eighth Day of *July*, in the Eighth Year of your Reign, under the Seal of this Your Majesty's most ancient Colony and Dominion of *Virginia*, hath been graciously pleased to grant unto the Inhabitants of *Williamsburg*, Your Majesty's Chief Town in the said Colony, that the same shall be a City Incorporate, consisting of a Mayor, One Person learned in the Law, stiled and bearing the Office of Recorder of the said City, Six Aldermen, and Twelve Common-Council Men of the said City: And, among other Things, Your Majesty hath been pleased, by your said Royal Charter, to grant, that the said Mayor, Recorder, and Aldermen, and their Successors, or any Four or more of them, of which the said Mayor, Recorder, or the last preceding Mayor shall be One, shall hold a Court of Hustings once in every Month, within the said City; and shall have Jurisdiction, and hold Plea of Trespass and Ejectment, and of all Writs of Dower for any Lands and Tenements within the said City, and of all other Actions Personal and Mixt, arising within the said City: And as a Court of Record may give Judgment, and award Execution thereon, according to the Laws and Statutes of *England*, and of the said Colony: *Provided*, the Demand in the said Action Personal or Mixt, do not exceed Twenty Pounds Current Money, or Four Thousand Pounds of Tobacco. And whereas, the Peace and good Government of the said City, do very much depend upon a due Regulation of the Ordinaries and Public Houses, and the well ordering of Servants and Apprentices, within the said City, whereof the said Court hath not at present competent Jurisdiction: May it therefore please Your Most Excellent Majesty, That it be Enacted,

II. *AND be it Enacted, by His Majesty's Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same,* That from and after the passing this Act, the said Court of Hustings shall have the same Power over the Ordinaries and Publick Houses within the said City, as well in granting Licences, as in any other Matter or Thing; and shall and may hear and determine all Complaints of Masters, Servants, and Apprentices, within the said City, in the same Manner as the Courts of the Counties of *York*, and *James-City*, respectively, now have or do; any Act heretofore made to the contrary, notwithstanding.

III. AND for the more easy and speedy Proceeding in the Examination and Commitment of Persons committing capital Crimes, or other Offences, triable in the General Court, within the said City, *Be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful, to and for the Mayor, Recorder, and Aldermen of the said City, or any Three of them, whereof the said Mayor, Recorder, or last preceding Mayor, shall be One, to take the Examination of any Person or Persons whatsoever, suspected of having committed any capital Crime, or other Offence, triable in the General Court, or Courts of Oyer and Terminer;

Terminer; and upon such Examination, if they see Cause, by Mittimus under their Hands, to commit such Offender or Offenders to the Public Goal of the said City; and the Keeper thereof is hereby required to receive the Body of such Offender so committed, or by Recognizance, to bind such Offender or Offenders, personally to appear before the next General Court, on the Fourth Day thereof, or the next Court of Oyer and Terminer, and not to depart thence without Leave of the said Courts respectively; and also to summon and bind all such Person or Persons, as they shall think to be material Witnesses against such Offender or Offenders, to appear personally before the said General Court, on the said Fourth Day, or the said Court of Oyer and Terminer, then and there to give Evidence against such Offender or Offenders. *A. D. 1723.*

IV. AND whereas it may happen, that the chief Magistrates, and other Inhabitants of the said City, may be listed and compelled to serve under the Command of the Officers of the Militia, in the Counties of *James-City*, and *York*, respectively, without the said City; and forasmuch as the same may be very inconvenient, and may render the Governor's House, Public Magazine, and Capitol, in the said City, defenceless in Times of Danger, *Be it further Enacted, by the Authority aforesaid*, That no Inhabitant of the said City, capable of serving in the Militia, shall hereafter be compellable to make his or their Appearance at any Muster of the Militia, hereafter to be had or taken, out of the said City: But all and every such Inhabitant and Inhabitants (except the Mayor, Recorder, and Aldermen of the said City) shall be listed and trained, according to the Laws of this Colony, under the Command of one or more Person or Persons, of the principal Inhabitants of the said City, as shall be thereunto commissionated by the Governor or Commander in Chief of this Colony, for the Time being; and such Persons so listed and trained, shall not be compelled to go out of the said City, on any Military Service, without the express Order of the Governor or Commander in Chief of the said Colony and Dominion, for the Time being, or, in his Absence, without the Order of the said Mayor, Recorder, and Aldermen, or the major Part of them. And the said Mayor, Recorder, and Aldermen, or the major Part of them, in their said Court of Hustings, upon the Complaint of any Officer or Officers appointed to command the Militia within the said City, and upon sufficient Proof, shall and may give Judgment against any Person or Persons listed under the Command of such Officer or Officers, for the Fines which such Person or Persons shall be liable to, by Means of his or their not appearing, or not doing his or their Duty at any Muster, or upon any other Service within the said City; and may also issue Warrants for levying such Fines, as the Officers of the Militia, in the respective Counties of this Colony, may, or do.

AND this Act is hereby declared to be a Public Act; and as such, shall be construed, deemed, and taken. This Act declared a Public Act.

Chap. 11. *An Act for dividing Saint* Stephen's *Parish, in the County of* King *and* Queen. Private Acts.

12. *An Act for dissolving the Parish of* Wilmington, *in the Counties of* James-City *and* Charles-City, *and adding the same to other Parishes.*

13. *An Act for confirming the Title of* John Fox, *Gent. to certain Lands formerly purchased of the* Pamunkey Indians.

14. *An Act for vesting the Fee Simple Estate of certain entailed Lands in* William Meriwether, *Gent. and*

A. D. 1723.

for vesting Five Negroe Slaves, therein mentioned, in Sarah Brechin *and the Heirs of her Body.*

Private. Chap. 15. *An Act for vesting the Fee Simple Estate of certain entailed Lands in* Pierce Butler *and* Paulin Anderson, *and for vesting other Lands, therein mentioned, in* Robert Stubblefield, *in Fee-Tail.*

Signed by HUGH DRYSDALE, *Esq; Governor.*
JOHN HOLLOWAY, *Speaker.*

A. D. 1726.

HUGH DRYSDALE, Esq; Governor.

At a GENERAL ASSEMBLY, summoned to be held at the Capitol, in the City of *Williamsburg*, the Fifth Day of *December*, in the Ninth Year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1722. And by Writ of Prorogation, begun and holden on the Ninth Day of *May*, 1723. And from thence continued, by several Prorogations, to the Twelfth Day of *May*, 1726: Being the Second Session of this present Assembly.

Expired. Chap. 1. *An Act for laying a Duty on Liquors.*

Expired. 2. *An Act appointing a Treasurer.*

Ch. 12, 1748. 3. *An Act to repeal the Act, intituled,* An Act directing the Manner of levying Executions, and for Relief of poor Prisoners for Debt; *and one other Act to explain the said Act; and to declare the Law concerning Executions; and for Relief of poor Prisoners for Debt.* REP.

Ch. 14. & 22, 1748. 4. *An Act for amending the Act concerning Servants and Slaves; and for the further preventing the clandestine Transportation of Persons out of this Colony.* REP.

Ch. 39, 1748. 5. *An Act for reviving and continuing Two Acts of Assembly therein mentioned.* REP.

Ch. 43, 1748. 6. *An Act for the more effectual preventing the bringing Tobacco from* North-Carolina, *and the Bounds in Controversy.* REP.

Chap.

Chap. 7. *An Act to prevent the setting of Hedges into Rivers and Creeks, and the felling of Trees therein.* REP. A. D. 1726. Ch. 29, 1748.

8. *An Act for settling new Ferries over* Rappahanock, North-anna, *and* Appamatock *Rivers.* REP. Ch. 16, 1748.

9. *An Act for raising a Public Levy.* Expired.

10. *An Act to make the Secretary of the Colony of* Virginia, *for the Time being, a Person capable in Law to take and hold certain Lands, therein mentioned, and to make Leases thereof.* Private Acts.

11. *An Act for erecting a Court-house in* Spotsylvania *County.*

12. *An Act for dividing the Parish of Saint* Paul, *in* Hanover *County.*

13. *An Act to prevent Swine running at large within the Limits of the Town of* Glocester.

14. *An Act to confirm the Title of* Richard Randolph, *to certain entailed Lands; and to settle other Lands of greater Value, and Two Negroe Slaves, to the same Uses.*

Signed by HUGH DRYSDALE, *Esq; Governor.*
JOHN HOLLOWAY, *Speaker.*

At a GENERAL ASSEMBLY, begun and held at *Williamsburg*, the First Day of *February*, in the First Year of the Reign of our Sovereign Lord GEORGE, the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1727. A. D. 1727. WILLIAM GOOCH, Esq; Governor.

Chap. 1. *An Act for laying a Duty on Slaves imported; and for appointing a Treasurer.* EXP. Enacted, with a suspending Clause, and not assented to by His Majesty.

2. *An Act for erecting a Light-house on Cape* Henry. The same.

3. *An Act for preventing Delays in Courts of Justice; for expediting and better settling the Proceedings in the General Court; and for the more speedy and easy Recovery of small Debts; and for repealing an Act for obliging Attornies, prosecuting Suits in Behalf of Persons out of the Country, to give Security for paying all Costs and Damages;* Chap. 6, & 7, 1748.

A. D. 1727. *Damages; and declaring in what Manner such Security shall be hereafter given.* REP.

Ch. 51, 1748. 4. *An Act for the better and more effectual improving the Staple of Tobacco.* REP.

Expired. 5. *An Act for making more effectual Provision against Invasions and Insurrections.*

Ch. 34, 1748. 6. *An Act for the better Support of the Clergy of this Dominion; and for the more regular collecting and paying the Parish Levies.* REP.

CHAP. VII.

An Act for the better securing the Payment of Levies, and Restraint of vagrant and idle People; and for the more effectual Discovery and Prosecution of Persons having Bastard Children; and for making better Provision for the Poor.

Preamble.

I. WHEREAS, divers idle and disorderly Persons having no visible Estates or Employments, and who are able to work, frequently strole from one County to another, neglecting to labour, and either failing altogether to list themselves as Tithables, or by their idle and disorderly Life, rendering themselves incapable of paying their Levies when listed: For Remedy whereof for the future,

No Inhabitant of this Colony shall entertain any Tithable Person, without a Certificate from the Parish where he or she before resided.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That it shall not be lawful to and for any Inhabitant of this Colony, to entertain, hire, or employ, in his or her House, above the Space of Forty Eight Hours, any Person or Persons whatsoever, being Tithable, and removing from the Parish where he or she formerly resided, unless the Person so to be entertained, hired, or employed, shall first produce a Certificate under the Hands of the Sheriff of the County, or Churchwardens, or other Persons collecting the Levy of the Parish from whence he or she came, that such Persons paid Levy there for the preceeding Year, or that he or she came into this Colony since, or was a Servant at the Time of taking the last List of Tithables. And if any one shall entertain, hire, or employ any Person or Persons whatsoever being Tithable, not having such Certificate, as aforesaid, he or she so offending, shall forfeit and pay Two Hundred Pounds of Tobacco, or Twenty Shillings Current Money, to the Informer; and so, *toties quoties*, for every such Offence, to the Informer: To be recovered before any Justice of the Peace of the County where such Offence shall be committed. And if any Person being Tithable, not having such Certificate, shall offer to hire him or herself, or seek to be employed in Labour, or otherwise; every such Offender shall be subject to the like Penalties and Forfeitures, as Persons not listing themselves as Tithables, are liable and subject to.

Penalty, 200*lb* Tob. or 20*s.* Current Money, to the Informer; recoverable before a Justice of Peace.

Penalty on Persons not having Certificates.

Description of Vagabonds.

III. *AND be it further Enacted, by the Authority aforesaid,* That all Persons, able in Body, and fit to labour, and not having wherewithal otherwise to maintain themselves, who shall be found loitering, and neglecting to labour for the usual and common Wages; and all Persons who run from their Habitations, and leave either Wives or Children, without suitable Means for their Subsistance, whereby they are like to become burthensome to the Parish wherein they inhabit; and all other idle, vagrant, or dissolute Persons wandering abroad, without betaking themselves to some lawful Employment, or honest Labour, or going about begging, shall be adjudged and deemed Rogues and Vagabonds.

IV.

A. D. 1727.

IV. *AND be it further Enacted*, That if any Person, by this Act declared to be a Vagabond, shall be found in any Parish or Place wandring, begging or misordering him or her self, it shall and may be lawful for any Justice of the Peace of that County, and he is hereby impowered and required, by Warrant under his Hand, to cause such Vagabond to be brought before him, and to examine, and to inform himself, as well by the Oath and Examination of the Person so apprehended, as of any other Persons, (which Oath or Oaths the said Justice is hereby authorized to administer,) and by any other Ways and Means he shall think most proper, of the Condition and Circumstances of the Person or Persons so apprehended: And if it shall appear, that such Person or Persons are under the Description of Vagabonds within this Act, the said Justice shall order and direct such Vagabond to be conveyed from Constable to Constable, to the Parish wherein his Wife or Children do inhabit, or where he or she did last reside, as the Case is, and there delivered to a Justice of the Peace of such Parish, who is hereby required to cause every such Vagabond to give good and sufficient Security for his or her Good Behaviour, and for betaking him or her self to some lawful Calling or honest Labour: And in Case of Refusal to give such Security, then the said Justice is hereby impowered and required to commit every such Person to the common Goal of the County, there to remain until the next Court: And the said Court is hereby impowered, (if no Security shall be then offered,) to bind every such Vagabond to Service on Wages, for the Space of One Year, or to order him or her to receive Twenty-Five Lashes on his or her bare Back, well laid on, at the common Whipping-Post, at the Choice of such Vagabond: But if such Vagabond be of such ill Repute, that no one will receive him or her into Service, in that Case, the Court of the County shall order him or her to receive Thirty Lashes, well laid on, as aforesaid: And in both Cases of Whipping, to be discharged; and so, *toties quoties*, for every Offence of Vagrancy, whereof he or she shall thereafter be found guilty, as aforesaid. And where any Person shall, in Pursuance of this Act, be bound out to Service, the Wages of such Servant, after Payment of the Charges of the Prosecution, shall be applied towards the Support of the Family (if any) of such Servant, or otherwise to be paid to the Person so bound, after his or her Time of Servitude is expired, in full of all other Reward which he or she might claim for such Service.

Justice of the Peace to issue his Warrant for apprehending Vagabonds.

And after Examination, shall order them to be conveyed to the Parish of their last Residence, and there delivered to a Justice of that Parish, to be bound to be of good Behaviour, &c.

And on Refusal to give Security, shall be committed to Goal until next Court, & shall then be bound to Service for one Year, or receive 25 Lashes; but if no Person will receive such Vagabond into Service, 30 Lashes.

Wages for such Service, how to be disposed of.

V. AND whereas, many Controversies and Disputes have arisen concerning what shall be accounted a legal Settlement, whereby any Person may be entitled to be provided for at the Charge of any Parish,

VI. *BE it Enacted and Declared, by the Authority aforesaid*, That no Person hereafter shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such Parish one whole Year.

No Person shall be accounted an Inhabitant of any Parish before 1 Year's Residence therein.

VII. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful, to and for any Justice of the Peace, upon Complaint made to him by the Churchwardens of any Parish or Parishes, That any poor Person or Persons hath or have come into the said Parish, who is or are like to become chargeable thereto, by Warrant under his Hand, to cause such poor Person to be removed to the Parish where he or she was last legally settled. But if such poor Person be so sick or disabled, that he or she cannot be so removed, without Danger of his or her Life, the Churchwardens of the Parish where such sick Person shall be, shall, and are hereby impowered and required, to provide for him or her, at the Charge of the said Parish, until he or she can with Safety be removed: And when such Person shall recover, shall cause him or her to be conveyed as aforesaid. And the Parish wherein such poor Person was last legally settled, shall refund and pay all the Charges which shall be occasioned by such Sickness, or the Cure thereof, and also for the Maintenance of such poor Person;

On Complaint made by the Churchwardens, any Justice of Peace may cause poor Persons to be removed to their own Parishes.

In Case of Sickness, the Parish to which such Poor belong, shall pay for the Maintenance, Cure, and Removal.

A. D. 1727.

Every Churchwarden refusing to receive such Poor belonging to his Parish, forfeits 20 *l.* current Money. One Moiety to the King, for the Use of the Poor, the other to the Informer.

Vestry refusing to pay the Charges expended in that Parish from whence the Removal is made, the County Court may give Judgment against the Vestrymen so refusing.

during such Sickness, and Removing him or her. And if the Churchwarden or Churchwardens of the Parish which ought to provide for such poor Person, shall refuse to receive and provide for him or her, upon the Justice's Warrant, as aforesaid; every Churchwarden so refusing, shall forfeit and pay Twenty Pounds current Money; One Half to our Sovereign Lord the King, to and for the Use of the Poor of that Parish from whence the Removal was made, and the other Half to such Person as shall inform or sue for the same, in any Court of Record within this Dominion: To be recovered, with Costs, and one Attorney's Fee. And if the Vestry of the Parish where any such poor Person was legally settled, shall refuse to satisfy, refund and pay, unto the Churchwardens of that Parish from whence such poor Person was removed, all the Charge of Maintaining such poor Person, during his Sickness or Disability, together with all other Charges expended in his Cure, being duly proved before the Court of the County wherein such Parish shall lie; then, and in such Case, it shall and may be lawful, to and for the Court of that County wherein the Parish liable to the Payment thereof shall lie, upon Petition to them exhibited, to assess the said Charge upon the Vestrymen so refusing; and to cause the Sheriff to levy the same, together with the Costs of the Petition and Judgment, by Distress: And to pay the same to the Churchwardens of the Parish agrieved, to and for the Use of the said Parish.

VIII. AND whereas Masters of Ships frequently bring into this Colony, sick and disabled Sailors, and turn them on Shore, without any Means of Subsistance, whereby they become chargeable to the Parish wherein they are so landed: For Prevention whereof, for the future,

Masters of Ships who shall turn on Shore sick or disabled Sailors, without Means of Subsistance, forfeit 10 *l.* current Money, and liable for all Charges of Maintenance and Cure.

IX. *BE it Enacted, by the Authority aforesaid*, That if any Master of a Ship or Vessel, shall after the Passing of this Act, turn away from the Service of such Ship or Vessel, any sick or disabled Sailor or Sailors, without taking due Care for his or their Maintenance and Cure, every such Master shall forfeit and pay Ten Pounds current Money, to the Churchwarden or Churchwardens of the Parish wherein such disabled Sailor shall be put on Shore: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion; and applied to the Use of the Poor of the said Parish. And moreover, shall be liable to the Action of the Churchwardens of that, or any other Parish, to which such sick or disabled Sailor shall become chargeable, for all Expences which shall be laid out for the Maintenance and Cure of such Sailor, during his Sickness: In which Action, no Act or Statute of Limitation, shall be pleadable.

For Educating the Children of the Poor,

X. AND, for preventing the Inconveniences which happen, through the Neglect or Inability of many of the poorer Sort of Inhabitants, to bring up their Children in an honest and orderly Course of Life,

Churchwardens may bind out to Service, any Children whose Parents are incapable or neglect their Instruction.

XI. *BE it Enacted, by the Authority aforesaid*, That if it should happen, that the Parent or Parents of any Child or Children, upon due Proof before the Court of the County wherein such Parent or Parents inhabit, shall be adjudged incapable of Supporting and Bringing up said Child or Children, by reason of his, her, or their idle, dissolute, and disorderly Course of Life, or that they neglect to take due Care of the Education and Instruction of such Child or Children, in Christian Principles, That then it shall and may be lawful upon Certificate from the said Court, to and for the Churchwardens of the said Parish, where such Child or Children shall inhabit, to bind out, or put out to Service or Apprentice, such Child or Children, for such Time or Term, and under such Covenants, as hath been usual and customary, or the Law directs in the Case of Orphan Children.

For Discovery of lewd Women having Bastard Children.

XII. AND, whereas divers lewd Women, being got with Child of Bastards, do oftentimes, before their Delivery, absent and remove themselves from their usual

ufual Places of Abode, and abfcond in other Countries, and fometimes remove into other Colonies, until the Time of their Delivery, and then return to their former Habitations; whereby the Laws made to punifh fuch Offences, are evaded, and the due Courfe of Juftice for obliging the reputed Fathers of fuch Baftards to provide for their Maintenance, often obftructed and prevented: For Remedy whereof for the future, *A. D.* 1727.

XIII. *BE it Enacted, by the Authority aforefaid,* That whenfoever hereafter, any lewd Women fhall be delivered of a Baftard Child, and be thereof lawfully convicted, fhe fhall, for every fuch Offence, be liable and compellable to pay the Sum of Five Hundred Pounds of Tobacco, and Cafk, or Fifty Shillings Current Money of *Virginia*, to the Churchwardens of the Parifh, wherein fhe fhall be delivered: Which fhall and may be recovered, with Cofts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony; wherein no Effoin, Protection, or Wager of Law fhall lie, or any more than one Imparlance. Which Fine, recovered as aforefaid, fhall be accounted for by the Churchwardens, to the Ufe of the faid Parifh. And if any Perfon or Perfons offending herein, fhall refufe or fail to make prefent Payment, or give fufficient Security for the Payment of fuch Fine at the Laying of the next Parifh Levy after fuch Conviction, every Perfon fo refufing or failing, fhall receive on her bare Back, at the Public Whipping-Poft, Twenty Five Lafhes, well laid on. And in either of the Cafes, of Paying the Fine or Whipping, the faid Woman fhall be difcharged of all further or other Profecution.

Every lewd Woman delivered of a Baftard, fhall forfeit 500 *lb.* Tob. or 50 *s.* current Money.

To the Ufe of the Parifh.

On Failure of Payment, fhall receive 25 Lafhes.

XIV. *AND be it further Enacted, by the Authority aforefaid,* That the Perfon or Perfons in whofe Houfe fuch Woman fhall be delivered, upon fuch Delivery fhall give Notice thereof, to the Churchwardens of the Parifh, or to one of them, wherein fuch Child fhall be born: And if the Perfon in whofe Houfe the faid Woman fhall be delivered, fhall neglect or fail to give fuch Notice, or to fecure the Perfon of the Woman fo offending until fuch Notice given, or fuffer her to efcape, That then the Perfon in whofe Houfe fuch Delivery fhall happen, fhall forfeit and pay the Sum of Five Hundred Pounds of Tobacco, or Fifty Shillings Current Money; for the Ufe of the Poor of the Parifh where he or fhe fhall dwell: To be recovered as aforefaid. And in Cafe of Non-Payment, or Refufal to give Security for the Payment thereof at the next Parifh Levy, to receive Twenty Five Lafhes on the bare Back, as aforefaid.

Houfe-keepers, where lewd Women are delivered, fhall give Notice to the Churchwardens of their Parifh, and fecure the Woman.

On Failure, fhall forfeit 500 *lb.* Tob. or 50 *s.* current Money, or receive 25 Lafhes.

This Act, from Sect. 1, to the End of Sect. 11, is repealed and provided for by Ch. 18, 1748.

Chap. 8. *An Act for preventing of exceffive and deceitful Gaming.* Repealed, Ch. 31, 1748.

CHAP. IX.

An Act for the better regulating and afcertaining the Current Rates of Silver Coin within this Dominion; and for preventing the evil Practice of cutting Foreign Gold into Pieces.

I. WHEREAS, the Rates of the Silver Coin heretofore fettled within this Dominion, are greatly difproportioned to the Value at which the fame pafs in the Neighbouring Plantations, whereby Encouragement hath been given to draw thither the feveral Species of the faid Silver Coin, to the great Detriment of the Trade and Commerce of this Colony: For remedying whereof, and for bringing the Silver Coin to a nearer Proportion to that of the Gold Currency,

Preamble.

See Chap. 1, 1714.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeffes, of this prefent General Affembly, and it is hereby Enacted, by the Authority of the fame,* That the feveral Species of Coin hereafter mentioned and fet down, fhall be current

The Currency and Rates of Foreign Silver.

A. D. 1727.

rent within this His Majesty's Colony and Dominion, in all Payments, for the Discharge of any Contracts, Bargains, or Debts, to be made or contracted after the Publication of this Act, and shall pass, be accounted and received at the following Rates: *(To wit,)* Pieces of Eight of *Mexico*, *Sevil*, and *Pillar*, Duccatoons of *Flanders*, Ecues of *France*, or Silver *Louis*, and Crusadoes of *Portugal*, and all Halves, Quarters, and lesser Pieces of the same, shall pass at Four Pence the Penny Weight; and all *Peru* Pieces, Cross Dollars, and old Rix-Dollars of the Empire, and all lesser Pieces of the same, shall pass at Three Pence Three Farthings the Penny Weight, and that all *English* milled Silver Money, shall pass at the Rate of Six Shillings and Three Pence the Crown Piece; and all Half Crowns, Shillings, and Six Pences, in the same Proportion.

4 *d. per* Penny Weight.

3¾ *d. per* Penny Weight.

English Silver, 6 *s.* 3 *d. per* Crown, and so in Proportion.

Penalty on refusing to receive these Coins at the Rates set by this Act.

III. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Person or Persons whatsoever, deny or refuse to take and receive the aforesaid Coins or Monies, or any of them, when offered or tendered in Payment of a Money Debt, contracted after the Publication of this Act, at the full Rate, Price, and Value, set by this Act, he, she, or they so refusing, shall lose and forfeit to the Party who offers or tenders the same, such Sum or Sums of Money, as he, she, or they, so refuse and deny to take: To be recovered by Action of Debt, in any Court of Record within this Dominion, wherein no Essoin, Protection, or Wager of Law shall be allowed. And in case the Forfeiture be less than Twenty Shillings, to be recovered, upon a Complaint before any Justice of the Peace in the County, where the Refusal happens to be made.

Rate of Copper Money.

IV. AND for the Conveniency of Change and small Payments, *Be it further Enacted,* That if his Majesty, his Heirs or Successors, shall think fit, at any Time hereafter, to permit Copper Money to be brought in, and pass in this Colony, the same shall pass and be current in this Colony, at the like Rates it doth pass in *Great-Britain.*

Proviso.

V. *PROVIDED,* That no Person shall be obliged to take above two Shillings and Six Pence of the said Copper Money, in any one Payment whatsoever, above Twenty Shillings, or to take above One Shilling of the said Copper Money, in any one Payment under Twenty Shillings.

Coining, *&c.* High Treason.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall hereafter presume to coin, counterfeit, falsify, or debase any of the Coins above-mentioned, or shall be aiding, consenting, or counselling therein, he, she, or they, so offending, upon being thereof lawfully convicted, shall be deemed and adjudged as Offenders in Treason, and shall suffer such Pains, Penalties, and Forfeitures, as are mentioned in the Act of Parliament, made in the Eighteenth Year of the Reign of Queen *Elizabeth.*

Exceptions.

VII. *PROVIDED nevertheless, and it is hereby meant and intended,* That nothing contained in this Act, shall extend, or be construed to extend, to any Money Payment already due, or to His Majesty's Revenues arising within this Colony, or to the several Salaries payable out of the same, or to any protested Bills of Exchange, or any other Specialty expresly limited to be *Sterling* Money, or any Debt contracted in *Great Britain.*

Saving to the Royal Prerogative.

VIII. *PROVIDED also, and it is hereby Declared,* That nothing in this Act, mentioned, shall extend, or be construed, to restrain His Majesty, from regulating and settling the several Rates of the said Species of Coins within this His Majesty's Colony and Dominion, in such other Manner, and according to such other Rates and Proportions, as His Majesty, by His Royal Proclamation for that Purpose to be issued, or by His Royal Instructions to His Governor, or Commander in Chief of this Colony, for the Time being, shall from Time to Time judge proper and necessary.

IX.

A. D. 1727.

IX. *AND be it further Enacted, by the Authority aforesaid*, That one Act of Assembly, made the Twenty Fifth Day of *October*, in the Ninth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for ascertaining the current Rates of Foreign Coins within this Dominion*; and also so much of one other Act of Assembly, made in the Twelfth Year of her said late Majesty's Reign, intituled, *An Act for regulating and settling the current Rates of Gold Coin and of* British *Silver Coin in this Dominion*, as relates to the ascertaining the Value of the *British* Silver Coin, be from henceforth repealed and made void, to all Intents, Constructions, and Purposes, as if the same had never been made. Repealing Clause.

X. AND whereas, great Frauds and Abuses have of late been committed, by Means of a Liberty some People have taken to cut the Foreign Gold Coin, which is current in this Dominion, into small Pieces, whereby base Money is frequently passed away: For Prevention whereof,

XI. *BE it further Enacted*, That no Foreign Gold Coin whatsoever, cut into lesser Pieces, shall hereafter be passed in any Payment in this Dominion. Cut Gold shall not pass in Payment.

CHAP. X.

An Act for prohibiting the Exportation of Grain in Time of Scarcity.

I. WHEREAS divers Persons, for their own private Lucre, transport out of this Colony, into Parts beyond the Seas, Wheat, *Indian* Corn, and other Grain, when the same are greatly wanted for the Relief of the Inhabitants here, whereby the People of this Dominion have been frequently brought into great Distress: For Remedy whereof for the future, Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That it shall and may be lawful, to and for the Governor, or Commander in Chief of this Dominion, for the Time being, from Time to Time, and at all Times hereafter, upon Information to him given of the Scarcity of Corn, or other Grain, to issue his Proclamation, by and with the Advice and Consent of His Majesty's Council, thereby prohibiting the Exportation of any Wheat, *Indian* Corn, Pease, or other Grain whatsoever, or Flour, or Meal made of the same, or any or either of them, for and during such Time or Times, as he, with the Advice aforesaid, shall judge most fit and necessary. The Governor and Council may, by Proclamation, prohibit Grain &c. to be exported.

III. *AND be it further Enacted, by the Authority aforesaid*, That all Wheat, *Indian* Corn, Pease, or other Grain, and all Flour or Meal, which at any Time, during the Continuance of such Prohibition, shall be laden or put on Board any Ship or Vessel for Transportation, shall be forfeited, and shall and may be seized by the Naval Officer, or other Officer of the Customs, in the Port or District, in which such Grain, or other the Commodities aforesaid, shall be laden: And moreover, the Owner or Owners of such Wheat, Corn, Pease, or other Grain, or Flour, or Meal, shall forfeit and pay double the Value thereof: One Third of both which said Forfeitures, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; one Third to the Governor or Commander in Chief of this Dominion, for the Time being; and the other Third to the Officer or Officers who shall seize, or any other Person who shall inform and prosecute for the same: And the said Forfeitures, or either of them, shall and may be recovered in any Court of Record within this Dominion, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or any more than one Imparlance, shall be allowed. Grain, &c. shipped for Exportation, during a Prohibition, forfeited, May be seised, And double the Value shall be also recovered of the Owner. Forfeitures appropriated.

A. D. 1727.

Ships Provisions excepted.

IV. *PROVIDED always*, That nothing herein contained, shall be construed, deemed, or taken, to restrain the Taking on Board any Ship or Vessel, any Provision of Corn, Pease, Flour, or Meal, necessary for the victualling such Ship or Vessel for her Voyage; but that the same may be victualled, during such Prohibition, in the same Manner, as if this Act had never been made.

Grain shipp'd before Notice of Prohibition, not liable to Forfeiture if relanded.

V. *PROVIDED also*, That no Grain, or other the Commodities before enumerated, laden on board any Ship or Vessel, in order to Exportation, before Notice of such Prohibition, shall be liable to Seizure or Forfeiture; nor the Owner or Owners thereof, subject to any Penalty, if such Owner or Owners shall, in convenient Time after the Publication of such Prohibition, reland, or cause the same to be relanded and disposed of in this Colony.

Chap. 2, & 4, 1748.

Chap. 11. *An Act to explain and amend the Act*, For declaring the Negroe, Mulatto, and *Indian* Slaves, within this Dominion, to be real Estate; *and Part of one other Act, intituled*, An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates. REP.

Repealed, Ch. 46, 1748.

12. *An Act for encouraging Adventurers in Iron Works.*

Chap. 6, 7, & 11, 1748.

13. *An Act for the better and more effectual putting the Penal Laws in Execution.* REP.

CHAP. XIV.

An Act for erecting a Town in each of the Counties of Spotsylvania, *and* King George.

Preamble.

I. WHEREAS great Numbers of People have of late seated themselves and their Families, upon and near the River *Rappahanock*, and the Branches thereof, above the Falls; and great Quantities of Tobacco and other Commodities, are every Year brought down to the upper Landings upon the said River, to be shipped off and transported to other Parts of the Country; and it is necessary that the poorer Part of the said Inhabitants should be supplied from thence, with Goods and Merchandize, in Return for their Commodities; but for Want of some convenient Place, where Traders may cohabit, and bring their Goods to, such Supplies are not to be had, without great Disadvantages; and good Houses are greatly wanted, upon some navigable Part of the said River, near the Falls, for the Reception and Safe-keeping of such Commodities, as are brought thither; and for the Entertainment and Sustenance of those who repair thither from remote Places, with Carriages drawn by Horses or Oxen: And forasmuch as the Inhabitants of the County of *Spotsylvania*, have made humble Supplication to this General Assembly, That a Town may be laid out in some convenient Place, near the Falls of the said River, for the Cohabitation of such as are minded to reside there, for the Purposes aforesaid, whereby the Peopling that remote Part of the Country will be encouraged, and Trade and Navigation may be increased:

Fifty Acres of Land vested in Trustees, who are appointed Directors.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted by the Authority of the same*, That within Six Months after the passing of this Act, Fifty Acres of Land, Parcel of a Tract of Land belonging to *John Royston*, and *Robert Buckner*, of the County of *Glocester*,

Glocester, situate, lying, and being upon the *South* Side of the River *Rappahanock*, aforesaid, in the County of *Spotsylvania*, commonly called or known by the Name of the *Lease-Land*, shall be surveyed and laid out, taking the whole Breadth of the said Tract of Land, upon the River, by the Surveyor of the said County of *Spotsylvania*; and the said Fifty Acres of Land, so to be surveyed and laid out, shall be, and is hereby vested in *John Robinson* Esq; *Henry Willis*, *Augustine Smith*, *John Taliaferro*, *Harry Beverly*, *John Waller*, and *Jeremiah Clowder*, of the County of *Spotsylvania*, Gentlemen, and their Successors, in Trust, for the several Purposes hereafter mentioned; and the said *John Robinson*, *Henry Willis*, *Augustine Smith*, *John Taliaferro*, *Harry Beverly*, *John Waller*, and *Jeremiah Clowder*, are hereby constituted and appointed Directors and Trustees, for designing, building, carrying on, and maintaining a Town upon the said Land. And the said Directors and Trustees, or any Four of them, shall have Power to meet as often as they shall think necessary; and shall lay out the said Fifty Acres in Lots and Streets, not exceeding Half an Acre of Ground in each Lot; and also to set apart such Portions of the said Land for a Church and Church-Yard, a Market-Place, and publick Key, and to appoint such Places upon the River for public Landings, as they shall think most convenient; and if the same shall be necessary, shall direct the Making and Erecting of Wharfs and Cranes, at such public Landings, for the Public Use: And when the said Town shall be so laid out, the said Directors and Trustees, shall have full Power and Authority, to sell all the said Lots by Public Sale or Auction, from Time to Time, to the highest Bidder, so as no Person shall have more than two Lots: And when such Lots shall be sold, any Two of the said Trustees shall and may, upon Payment of the Purchase-Money, by some sufficient Conveyance or Conveyances, convey the Fee Simple Estate of such Lot or Lots, to the Purchaser or Purchasers; and he or they, or his or their Heirs and Assigns, respectively, shall and may for ever thereafter peaceably and quietly have, hold, possess, and enjoy the same, freed and discharged of and from all Right, Title, Estate, Claim, Interest, and Demand whatsoever, of the said *John Royston*, and *Robert Buckner*, and the Heirs and Assigns of them, respectively, and of all Persons whatsoever, claiming by, from, or under them, or either of them.

A. D. 1727.

To be laid out in Lots, and Streets.

To be Sold.

III. ***PROVIDED*** *nevertheless*, That the said Directors and Trustees, shall pay or cause to be paid, unto the said *John Royston*, and *Robert Buckner*, out of the Money to be raised by the Sale of the said Lots, as soon as the same shall be by them received, after the Rate of Forty Shillings for every Acre of the said Fifty Acres of Land, according to the Right which the said *John Royston*, and *Robert Buckner*, now respectively have to the same: And the said *John Royston*, and *Robert Buckner*, shall also have each of them Two Lots, which shall be assigned to them by the said Directors and Trustees, and they shall respectively remain seised of such Lots of the same Estate, whereof they were respectively seised in the said Land, before the Making of this Act.

40 *s.* for every Acre, to be paid to the Proprietors.

IV. ***AND*** *be it further Enacted, by the Authority aforesaid*, That after the said Lots shall be so laid out and disposed of, as aforesaid, the said Directors or any Four of them, shall have full Power and Authority, to apply all the overplus Money, which shall be raised by the Sale of the said Lots, to such Public Use, for the common Benefit of the Inhabitants of the said Town, as to them shall seem best.

Overplus of the Money to be laid out in Public Uses, for the Benefit of the Town.

V. ***AND*** *be it further Enacted, by the Authority aforesaid*, That the Grantee or Grantees of every such Lot or Lots, so to be conveyed and sold in the said Town, shall within Two Years next after the Date of the Conveyance for the same, erect, build and finish, on each Lot so conveyed, one House, of Brick, Stone, or of Wood well framed, of the Dimensions of Twenty Feet Square, and Nine Feet Pitch at the least, or proportionably thereto, if such Grantee shall have Two Lots contiguous: And the said Directors shall have full Power and Authority to establish such Rules and Orders, for the more regular Placing the said

How to be built.

A. D. 1727.

ſaid Houſes, as to them ſhall ſeem fit, from Time to Time. And if the Owner of any Lots ſhall fail to purſue and comply with the Directions herein preſcribed, for the Building and Finiſhing one or more Houſe or Houſes thereon, then ſuch Lots upon which ſuch Houſes ſhall not be ſo built and finiſhed, ſhall be reveſted in the ſaid Truſtees; and ſhall and may be ſold and conveyed to any other Perſon or Perſons whatſoever, in the Manner before directed; and ſhall reveſt, and be again ſold, as often as the Owner or Owners ſhall fail to perform, obey, and fulfil the Directions aforeſaid: And if the Inhabitants of the ſaid Town ſhall fail to obey and purſue the Rules and Orders of the ſaid Directors, in Repairing and Amending the Streets, Landings, and Public Wharfs, they ſhall be liable to the ſame Penalties as are inflicted for not repairing the Highways in this Colony.

For perpetuating the Succeſſion of the Directors.

VI. AND for the Continuing the Succeſſion of the ſaid Truſtees and Directors, until the Governor of this Colony ſhall incorporate ſome other Perſons, by Letters Patents, under the Seal of this Colony, to be one Body Politic and Corporate, to whom the Government of the ſaid Town ſhall be committed, *Be it further Enacted*, That in Caſe of the Death of the ſaid Directors, or of their Refuſal to act, the ſurviving or other Directors, or the major Part of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their reſpective Hands and Seals, to nominate ſome other Perſon or Perſons, being an Inhabitant or Freeholder of the ſaid Town, in the Place of him ſo dying or refuſing; which new Director or Directors, ſo nominated and appointed, ſhall from thenceforth have the like Power and Authority, in all Things relating to the Matters herein contained, as if he or they had been expreſly named and appointed, in and by this Act: And every ſuch Inſtrument and Nomination, ſhall, from Time to Time, be recorded in the Books of the ſaid Directors.

For a Recompence to *Levingſton* and *Royſton*,

VII. AND whereas *William Levingſton* is poſſeſſed of a Leaſe under the ſaid *John Royſton*, for certain Years to come, of Part of the ſaid Fifty Acres of Land, and hath erected Buildings, and made ſeveral Improvements thereon, which will be taken away when the ſaid Town ſhall be laid out: For making Satisfaction for which,

Two Lots aſſigned to them.

VIII. *BE it further Enacted*, That the Two Lots to be aſſigned to the ſaid *John Royſton*, purſuant to this Act, ſhall include the Dwelling-Houſe and Kitchen of the ſaid *William Levingſton*, and ſhall be held and enjoyed by him, for the Reſidue of the ſaid Term; and at the Expiration thereof, ſhall revert unto, and be veſted in the ſaid *John Royſton*, as aforeſaid: And moreover, the ſaid Truſtees are hereby enjoined and required to pay unto the ſaid *William Levingſton*, the Sum of Twenty Pounds Current Money, out of the Monies ariſing by Sale of Lots, as a Conſideration and Competency for the ſaid Leaſe.

Name of the Town.

IX. *AND be it further Enacted*, That the Town aforeſaid ſhall be called by the Name of *Frederickſburg*.

X. AND foraſmuch as the ſaid Town will not be convenient to the Inhabitants on the *North* Side of the ſaid River, for Tranſporting their Commodities to and from the ſame: To the End therefore, that the ſame Benefits and Advantages may be extended to them, as are before given to the People inhabiting the County of *Spotſylvania*,

Other Land veſted in other Truſtees, who are appointed Directors.

XI. *BE it further Enacted, by the Authority aforeſaid*, That within Six Months after the Paſſing of this Act, Fifty Acres of Land, Parcel of a larger Tract of Land, belonging to *William Todd*, of the County of *King* and *Queen*, Gentleman, ſituate, lying, and being on the *North* Side of the ſaid River, about Two Miles above the ſaid *Leaſe-Land*, in the County of *King George*, including the *Fall-Landing*, and the High Land adjacent, ſhall be ſurveyed and laid out, by the Surveyor

veyor of the ſaid County of King *George*; and ſhall be veſted in *Robert Carter*, and *Mann Page*, Eſquires, *Nicholas Smith*, *William Thornton*, *John Fitzburgh*, *Charles Carter*, and *Henry Fitzburgh*, the Younger, Gentlemen, and their Succeſſors, in Truſt, for the ſeveral Purpoſes herein after-mentioned: And the ſaid *Robert Carter* and *Mann Page*, Eſquires, *Nicholas Smith*, *William Thornton*, *John Fitzburgh*, *Charles Carter*, and *Henry Fitzburgh* the Younger, Gentlemen, are hereby conſtituted and appointed Directors and Truſtees, for deſigning, building, carrying on, and maintaining a Town upon the ſame; and they or any Four of them, ſhall have the ſame Powers and Authorities, in Laying out the ſaid Town in Lots and Streets, each Lot not exceeding Half an Acre, as aforeſaid; and ſhall and may aſſign convenient Portions of the ſaid Land, for a Church, Church-Yard, Market-Place, and public Key, and appoint and make public Landings, Wharfs, and Cranes, for the common Benefit of the Inhabitants; and ſell and convey the Lots, and diſpoſe of the Overplus of the Money ariſing from ſuch Sale, to the ſame Uſes; and make and eſtabliſh Rules and Orders, for the more regular Building the Houſes, and for Repairing and Amending the Streets, Landings, and Wharfs; under the ſame Penalties as are herein before directed, preſcribed, ordained, and appointed for the ſaid Town of *Fredericksburg*; and the Grantees of ſuch Lots, ſo laid out, ſold, and conveyed, ſhall be under the like Directions for Building, and under the Forfeiture, as are herein before preſcribed for the ſaid Town of *Fredericksburg*: And the Succeſſion of the ſaid Directors, ſhall be continued in the ſame Manner as is before directed, for continuing the Succeſſion of the other Directors aforeſaid.

A. D. 1727.

To be laid out and built upon, in the ſame Manner, and the Overplus of the Money to be applied to Public Uſes.

XII. *AND be it further Enacted*, That the ſaid laſt mentioned Directors ſhall ſatisfy and pay unto the ſaid *William Todd*, out of the Money ariſing by the Sale of the ſaid Lots, Forty Shillings for every Acre of the ſaid Land; and moreover, ſhall aſſign him Four Lots, whereof he ſhall remain ſeiſed, of the ſame Eſtate, as he now hath in the ſaid Fifty Acres of Land; and ſhall alſo pay him for ſuch Houſes as he hath erected, which ſhall be taken into any of the Streets or Public Landings of the ſaid Town: And in Caſe ſuch Houſes ſhall fall within the Bounds of any Lot or Lots, the ſame ſhall be aſſigned him, as Part of the Four Lots, hereby intended for him: And the ſaid laſt mentioned Town, ſhall be called by the Name of *Falmouth*.

Satisfaction to be made to *William Todd*.

XIII. *PROVIDED nevertheleſs*, That if the ſaid reſpective Directors, ſhall not, within Six Months after the Fifty Acres of Land ſhall be ſurveyed and laid out, in each of the Places before-mentioned, fully ſatisfy and pay, or, in Caſe of Refuſal to receive the ſame, tender to the Proprietors of each Fifty Acres reſpectively, the ſeveral Sums of Money by this Act directed to be paid to them, the Lands and Premiſes before-mentioned ſhall be reveſted in the ſaid Proprietors reſpectively; and they ſhall remain and continue ſeiſed thereof, as if this Act had never been made: And this Act ſhall be adjudged, held, and taken to be a General Act.

Directors not paying, or tendering Payment, for the Lots, in ſix Months, they ſhall revert to the Proprietors.

Chap. 15. *An Act for aſcertaining the Fees of certain Officers therein mentioned.* Expired.

16. *An Act for raiſing a Public Levy.* Expired.

17. *An Act for erecting a new County on the Heads of* Eſſex, King *and* Queen, *and* King William *Counties; and for calling the ſame* Caroline *County.* Private Acts.

18. *An Act for dividing the County of* Henrico.

19. *An Act for diſſolving the preſent Veſtry of the Pariſh of*

A. D. 1727. Elizabeth *City*; *and for appointing a new Election of Vestrymen for the said Parish.*

Private Acts. Chap. 20. *An Act for killing Squirrels and Crows, in the Counties of* Accomack *and* Northampton.

21. *An Act to prevent Swine running at large, within the Limits of the Town of* Norfolk.

22. *An Act to enable* William Farrar, *and* Thomas Farrar, *to sell and convey certain intailed Lands; and for settling other Lands, and Negroes, of greater Value, to the same Uses.*

Signed by WILLIAM GOOCH, *Esq; Governor.*
JOHN HOLLOWAY, *Speaker.*

A. D. 1730. WILLIAM GOOCH, Esq; Governor.

At a GENERAL ASSEMBLY, begun and holden at *Williamsburg*, the First Day of *February*, *Anno Domini*, 1727, in the First Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. And from thence continued, by several Prorogations, to the Twenty First Day of *May*, 1730. Being the Second Session of this present General Assembly.

Repealed, Ch. 24, 1748. Chap. 1. *An Act for Repealing the Act for the better and more effectual improving the Staple of Tobacco; and for the better Execution of the Laws now in Force against tending Seconds: And for the further Prevention thereof.*

CHAP. II.

An Act for inforcing the Act, intituled, *An Act for the effectual Suppression of Vice; and Restraint and Punishment of blasphemous, wicked and dissolute Persons: And for preventing incestuous Marriages and Copulations.*

Preamble. I. FORASMUCH as the Act, intituled, *An Act for the effectual Suppression of Vice; and Restraint and Punishment of blasphemous, wicked, and dissolute Persons*, hath not been duly put in Execution, according to the Intent and

and Design thereof; whereby divers wicked and dissolute Persons have been the more encouraged to commit the Crimes therein mentioned: For Remedy thereof, *A. D. 1730.*

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Churchwarden or Churchwardens of every Parish within this Colony, shall make Presentment of all and every Person and Persons whatsoever, guilty of any of the Offences or Crimes in the said Act mentioned, committed or done, within the respective Times by the said Act limited for Prosecution thereof, and not otherwise, to the Court of the County, wherein such Offence or Crime shall be committed, at the next Court after such Offence or Crime shall come to his or their Knowledge: And thereupon such Court are impowered and required forthwith to cause such Person or Persons to appear and answer such Presentment; and shall proceed to Trial, and give Judgment upon such Presentment, in like Manner as if such Presentment had been made by a Grand Jury.

Churchwardens to make Presentment.

And the Court to proceed thereupon.

III. *PROVIDED nevertheless,* That nothing in this Act contained, shall be construed to take away the Power of the Grand Juries of this Colony, or of the several Counties, to make Presentment of any Offences in the said Act mentioned, in the same Manner as they might have done before the making of this Act.

Saving to Grand-Juries.

IV. *PROVIDED also,* That all and every the Offences of Blasphemy and Irreligion, enumerated in the said recited Act, for which the Offenders are to be punished, by Incapacity to hold any Office or Employment, or any other Incapacity, or to be punished by Imprisonment, shall be tried, heard, and determined only in the General Court: And that when any Presentment shall be made of any such Offence, either by the Churchwarden or Churchwardens, or the Grand Juries in the said County Courts, the Justices before whom such Presentment shall be made, shall cause the Offender or Offenders to enter into Recognizance, with one or more sufficient Sureties, for his or her Personal Appearance at the next General Court, to answer the said Presentment; and shall also cause the Record of the said Recognizance and Presentment, together with the Names of the Persons on whose Information the same was made, to be returned in due Time to the Secretary's Office, to the End, Prosecution may be had thereon, according to the true Intent and Meaning of the aforesaid Act. And for preventing incestuous Marriages, and Copulations,

Offences punished by any Incapacity or Imprisonment, to be tried only in the General Court.

For preventing incestuous Marriages.

V. *BE it also Enacted, by the Authority aforesaid,* That if any Person whatsoever shall hereafter marry within the Levitical Degrees prohibited by the Laws of *England*; that is to say, if the Son shall marry his Mother or Step-Mother, the Brother his Sister, the Father his Son's Daughter, or his Daughter's Daughter; or if the Son shall marry the Daughter of his Father begotten and born of his Step-Mother, or the Son shall marry his Aunt, being his Father's or Mother's Sister, or marry his Uncle's Wife, or the Father shall marry his Son's Wife, or the Brother shall marry his Brother's Wife, or any Man shall marry his Wife's Daughter, or his Wife's Son's Daughter, or his Wife's Daughter's Daughter, or his Wife's Sister; every Person or Persons so unlawfully married, shall be separated by the definitive Sentence or Judgment of the General Court; and the Children proceeding or procreate under such unlawful Marriage, shall be accounted illegitimate: And the Attorney-General of this Colony, upon any Information made to him of any such Marriage, shall and may exhibit a Bill to the Judges of the General Court, against any Persons so unlawfully married; who shall be compelled upon Oath to answer the same: And upon such Bill and Answer, and the Depositions of Witnesses, where the same shall be necessary, the General Court shall and may proceed to give Judgment, and to declare the Nullity of such Marriage; and moreover may punish the Parties by Fine at their Discretion;

Marriages within the Levitical Degrees prohibited.

Such Marriages to be dissolv'd by Sentence of the General Court.

And the Attorney-General to exhibit a Bill for that Purpose.

Parties to be punished by Fine.

A. D. 1730.

And to give Bond not to cohabit.

Discretion; and if they see fit, may cause the Parties so separated, to give Bond, with sufficient Surety, that they will not thereafter cohabit, under such Penalty as the said Court shall judge reasonable.

Punishment of incestuous Copulations.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any Persons whatsoever shall hereafter, without marrying, carnally know, or have Copulation with, any Person within the Degrees aforesaid, each and every Person so offending, and being thereof convicted, in any Court of Record within this Colony, shall be fined according to the Discretion of such Court: And if the Offender or Offenders shall refuse immediately to pay the said Fine, or to give Surety for the Payment thereof at the laying of the next Parish Levy, every Person so refusing, shall, by Order of the said Court, be publickly whipt on his or her bare Back, not exceeding Thirty Nine Lashes: And moreover, it shall and may be lawful to and for the said Court, to commit the Parties convicted of the Offence aforesaid, to the publick Goal of the said Court, there to remain, until he, she, or they give Bond, with sufficient Surety, for their future Separation.

Fines given to the Poor.

VII. *AND be it further Enacted, by the Authority aforesaid,* That all and every the Fines imposed, by Virtue of this Act, shall be to the Use of the Poor of the Parish wherein the Offence or Offences shall be respectively committed.

Expired.

Chap. 3. *An Act for amending the Staple of Tobacco: And for preventing Frauds in His Majesty's Customs.*

CHAP. IV.

An Act to prevent the malicious burning Tobacco-Houses, and other Houses and Places: For taking away Clergy from certain Offenders: And for punishing Accessories to Felonies, and receivers of stolen Goods.

Preamble.

Vid. Stat. 22. 23 *Car.* 2. Cap. 7.

I. WHEREAS divers wicked and evil disposed Persons, intending the Ruin and Impoverishing His Majesty's good Subjects, have devised, and, of late, secretly, in the Night Time, and at other Times, when they think their Deeds are not known, frequently practised, in several Parts of this Colony, unlawful and wicked Courses, in burning Tobacco-Houses, Warehouses, Storehouses, and Houses and Places where Wheat, Indian Corn, and other Grain is kept, in Contempt of the Laws, and to the insupportable Wrong and Damage of many of His Majesty's good Subjects: For Prevention whereof,

Malicious burning any Houses after 29 *September,* 1730. Felony without Benefit of Clergy.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all and every Person and Persons, that shall at any Time, either in the Night or the Day, after the Twenty Ninth Day of *September,* which shall be in the Year of our Lord One Thousand Seven Hundred and Thirty, maliciously, unlawfully, and willingly, burn any Tobacco-House, Warehouse, or Storehouse, or any House or Place, where Wheat, Indian Corn, or other Grain, shall then be kept, or any other Houses whatsoever; or shall comfort, aid, abet, assist, counsel, hire, or command, any Person or Persons, to commit any of the said Offences; being thereof convicted or attainted, or being indicted thereof, shall stand mute, or will not answer directly to the Indictment; or shall peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, shall be adjudged a Felon; and shall suffer Death, as in Case of Felony: And shall not have the Benefit of his, her, or their Clergy.

III.

A. D. 1730.

III. AND forasmuch as divers lewd and wicked Persons are encouraged to commit Robberies in Warehouses and Storehouses, by the Privilege, as the Law now is, of demanding the Benefit of their Clergy:

IV. *BE it therefore Enacted, by the Authority aforesaid*, That all and every Person and Persons, that shall at any Time, after the said Twenty Ninth Day of *September*, either in the Night or the Day, feloniously break any Warehouse or Storehouse, and shall take therefrom any Money, Goods, or Chattels, Wares, or Merchandizes, of the Value of Twenty Shillings lawful Money, or more, although the Owner of such Goods, or any other Person or Persons be, or be not, in such Warehouse or Storehouse; or shall aid, assist, counsel, hire, or command, any Person or Persons, so to break and rob any such Warehouse or Storehouse, and shall be thereof convicted or attainted; or being thereof indicted, shall stand mute, or will not answer directly to the Indictment; or shall peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, shall, by Virtue of this Act, be absolutely debarred of and from the Benefit of Clergy.

Persons breaking any Warehouse, or Storehouse, and stealing from thence Goods, &c. to the Value of 20 s. And all Abettors, &c. debarr'd of the Benefit of Clergy. *Vid.* Stat. 3. & 4 *G. & M.* cap. 9. and 12. *A.* cap. 7.

V. And forasmuch as the Counsellors and Contrivers of Theft, and other Felonies, and the Receivers of Goods that have been stolen, are the principal Cause of the Commission of such Felonies; and as the Law now is, no Accessory can be convicted, or suffer any Punishment, where the Principal is not attainted, or hath the Benefit of his Clergy.

Part of the Stat. 1 *Annæ*, cap 9. Enacted.

VI. *BE it therefore Enacted, by the Authority aforesaid*, That from and after the said Twenty Ninth Day of *September*, if any principal Offender shall be convicted of any Felony, or shall stand mute, or peremptorily challenge above the Number of Twenty Persons returned to be of the Jury, it shall and may be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof; notwithstanding such principal Felon shall be admitted to the Benefit of his Clergy, pardoned, or otherwise delivered, before Attainder: And every such Accessory shall suffer the same Punishment, if he or she be convicted, or shall stand mute, or peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, as he or she should have suffered, if the Principal had been attainted.

Accessories may be proceded against, although the Principal be, after Conviction, admitted to his Clergy, pardoned, or otherwise deliver'd, before Attainder.

VII. AND forasmuch as Buyers and Receivers of stolen Goods, do oftentimes convey away, and conceal the principal Felons, so that they cannot be convicted of such principal Felony, and thereby such Buyers and Receivers have escaped all Manner of Punishment; which hath greatly encouraged the buying and receiving of such stolen Goods: For Remedy whereof,

VIII. *BE it further Enacted, by the Authority aforesaid*, That from and after the said Twenty Ninth of *September*, it shall and may be lawful to prosecute and punish every such Person and Persons, buying or receiving any stolen Goods, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment; although the principal Felon be not before convicted of the said Felony: Which shall exempt the Offender from being punished as Accessory, if the Principal shall be afterwards convicted.

Buyers and Receivers of stolen Goods, may be prosecuted as for a Misdemeanor, although the Principal be not convicted.

Chap. 5. *An Act for ascertaining the Damage upon protested Bills of Exchange: And for the better Recovery of Debts due on Promissory Notes: And for the Assignment of Bonds, Obligations, and Notes.* REP. — Ch. 33, 1748.

6. *An Act for continuing Part of an Act, For laying a Duty on Liquors; with some Alterations and Amendments.* — Expired.

A. D. 1730.

See Chap. 2. 1703.

CAAP. VII.

An Act for the better regulating the Payment of the Burgesses Wages.

Preamble.

I. WHEREAS divers Doubts and Controversies have heretofore arisen, concerning the Payment of the Wages established by Law, for the Burgesses elected to serve in the General Assembly; who, by Reason of their private Affairs, are abseut from their Service in the House of Burgesses: For removing the like Controversies for the future,

Absent Members shall receive no Wages for the Time they shall beabsent.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after this Session of Assembly, no Burgess or Burgesses so elected, or to be elected; nor any Burgess or Burgesses elected, or to be elected, to serve for any Corporation in this Dominion, shall demand, take, or receive, any Salary or Wages, for his or their Service in the House of Burgesses, for any Day or Days on which he or they shall fail to attend in the said House; except for such *Sundays* as shall happen and be within the Time of the Session, and for such and so many Days as are by Law allowed to each Burgess, for coming to, and returning from the General Assembly.

Unless they be taken Sick or Lame, upon their Journey.

III. *PROVIDED nevertheless,* That if any Burgess shall be taken Sick or Lame, during his Attendance on any Session of Assembly, or in his Journey to such Session, so that he shall be unable to attend the Service of the House of Burgesses; such Burgess shall be allowed and paid, for every Day of such Session on which he shall be unable to attend, as aforesaid, in the same Manner, as if he had attended the Service of the House; any Thing in this Act, to the contrary notwithstanding.

For obviating Disputes about paying the Burgesses in Money.

IV. AND, for obviating all Doubts which may arise, touching the Application of the publick Money, which now is, or hereafter shall be, in the Hands of theTreasurer of this Dominion, for and towards paying the Wages of the Burgesses; and thereby lessening the Levy, by the Poll:

When there shall be 1500l. in the Treasurer's Hands and all the publick Debts are paid, the Burgesses shall be paid their Wages in Money.

V. *BE it Enacted and Declared, by the Authority aforesaid,* That when any Session of Assembly shall be hereafter held, and upon Examination of the Treasurer's Accounts, it shall appear, that there are Monies sufficient in his Hands to discharge all the Debts due from the Public, together with the Burgesses Wages, and the Salaries and Allowances to the respective Officers of the General Assembly, leaving and reserving in the Hands of the said Treasurer, over and above the said Payments, a Ballance of One Thousand Five Hnndred Pounds at the least; then every Burgess elected, and serving for any County, or Corporation, within this Dominion, shall be paid out of the said public Money, the Sum of Ten Shillings, for each Day he shall serve in the House of Burgesses; together with the like Wages for his coming to, attending at, and returning from such General Assembly, in Lieu of all other Demands for his said Service: And thereupon, it shall and may lawful for the Governor or Commander in Chief of this Dominion, upon Certificate from the Speaker of the House of Burgesses, of the the Time of each Member's Attendance, to issue his Warrant to the Treasurer of this Dominion, for the Time being, for the Payment of the Wages of such Burgess or Burgesses, together with the Pay for all the Days allowed by Law, for his or their Travelling to and from the said General Assembly; and also the Expence of Ferriages.

After the Rate of 10 *s. per Diem.*

The Governor shall give a Warrant, upon the Speaker's Certificate of their Attendance.

Burgesses coming by Water, shall receive only

VI. *PROVIDED always, and it is hereby Declared, to be the true Intent and Meaning of this Act,* That where any Burgess is, or shall be obliged to come to the General Assembly, by Water, such Burgess shall only be allowed Nine Shillings

A. D. 1730.

Shillings *per Diem*, for his Wages: And there ſhall be paid, for bringing the Burgeſſes of any one County, coming by Water, for a Boat and Two Men, if ſuch be employed by them, and their neceſſary Proviſions, Three Shillings and Six Pence, for each Day ſuch Boat and Hands ſhall be employed in that Service;

9 *s. per Diem*, for their Attendance, and 3 *s.* 6 *d. per Diem*, for a Boat and Hands.

VII. AND for the Counties of *Accomack* and *Northampton*, for defraying the Charge of one Sloop, and Two Men, for each County, with their neceſſary Proviſions, the Sum of Six Shillings, for each Day ſuch reſpective Sloop and Hands ſhall be upon that Service, in Lieu of the Tobacco allowed by Law, for the Purpoſes aforeſaid.

This Clauſe repealed and provided for, Ch. 14. 1736.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall not be lawful for the Courts of the reſpective Counties, to levy for, nor the Treaſurer of this Colony, for the Time being, to pay unto any Burgeſs or Burgeſſes, any Salary or Wages, for thoſe Days on which he or they ſhall fail to attend, as aforeſaid; except in the Caſe of Sickneſs or Lameneſs, herein before provided for, and excepted.

County Courts ſhall not levy, nor the Treaſurer pay, any Burgeſs any Wages, for the Time he ſhall not attend,

IX. AND whereas, ſince the making the Act of Aſſembly, for ſettling the Allowances to Burgeſſes, for coming to, attending at, and returning from, the General Aſſembly, the ſeveral Counties of *Brunſwick*, *Spotſylvania*, *Prince William*, *Goochland*, *Hanover*, *Caroline*, and *King George*, have been erected, and no Allowance is ſettled for the Burgeſſes of thoſe Counties, for coming to, and returning from, the General Aſſembly:

Travelling Days, from ſeveral Counties, erected ſince 1705, not being ſettled.

X. *BE it therefore Enacted, by the Authority aforeſaid*, That to the Burgeſſes for the Counties of *Brunſwick*, *Spotſylvania*, and *Prince William*, there ſhall be aled Four Days; and to the Burgeſſes for the Counties of *Goochland*, *Hanover*, *Coroline*, and *King Geoege*, Three Days, for coming to, and as many Days for returning from, every Seſſion of the General Aſſembly.

Allowances to the Burgeſſes, for travelling from thoſe Counties ſettled.

Chap. 8. *An Act to prevent Loſſes to Executors and Adminiſtrators, by the Sale of Negroes, Goods and Chattels, taken in Execution; for amending the Law in Relation to Executors and Adminiſtrators; for maintaining Actions of Account againſt Executors and Adminiſtrators, and by one Joint Tenant, and Tenant in Common, againſt another Joint Tenant, and Tenant in Common, their Executors and Adminiſtrators; for impowering Fathers to diſpoſe of the Cuſtody and Tuition of their Children; and for the better managing and ſecuring Orphans Eſtates.*

Repealed, Ch. 3, 4, & 5, 1748.

9. *An Act to enable the Sale of Goods diſtrained for Rent, and to ſecure ſuch Goods to the Perſons diſtraining the ſame, for the better Security of Rents; and to prevent Frauds committed by Tenants.* REP.

Ch. 15, 1748.

CHAP.

A. D. 1730.

See Chap. 2. 1705.

CHAP. X.

An Act to disable any Sheriff, or other Person, to sit as a Member of the House of Burgesses, who shall accept any Office of Profit in this Colony, after his Election; and exempting the Members of the House of Burgesses from being made Sheriffs.

Preamble.

I. WHEREAS it is found inconvenient, and may prove of evil Consequence to this Government, if any Person shall accept the Office of Sheriff, or of any Place of Profit in this Government, during the Time he shall be a Member of the House of Burgesses: For Prevention thereof,

All Sheriffs disabled to sit in the House of Burgesses.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted by the Authority of the same,* That any Person, who now is, or hereafter shall be, Sheriff of any County within this Colony and Dominion, shall not be capable of Sitting or Voting as a Member of the House of Burgesses; and a Writ shall issue, for Electing a new Member in his Stead, in the same Manner as if such Person were naturally dead.

Burgesses exempted from being made Sheriffs.

III. *AND be it further Enacted, by the Authority aforesaid,* That every Member of the House of Burgesses in this present, or any future General Assembly, during the Time of his being a Member thereof, shall from henceforth, be exempted from being made or appointed Sheriff of any County in this Colony.

A Member of the House of Burgesses accepting any Office of Profit his Election void.

And a new Writ shall issue,

Persons disabled, Sitting and Voting forfeit 50 l.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person being a Member of the House of Burgesses, shall hereafter accept any Office of Profit whatsoever, in this Government, or hold the same in his own Name, or in the Name of any other Person in Trust for him, or for his Use and Benefit, or shall execute by himself, or his Deputy, any such Office or Place; such Person shall be incapable of Sitting or Voting as a Member of the House of Burgesses; and a Writ shall issue for Electing a new Member in his Stead, in the same Manner, as if such Person were naturally dead. And if any Person hereby disabled, or declared to be incapable to Sit or Vote in the House of Burgesses, shall nevertheless presume to Sit or Vote as a Member thereof, in any General Assembly; such Person so Sitting or Voting, shall forfeit the Sum of Fifty Pounds lawful Money: To be recovered by such Person as shall sue for the same, in any Court of Record within this Colony, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed.

A Burgess accepting an Office of Profit, may be reelected,

V. *PROVIDED nevertheless,* That such Person hereby declared to be disabled to Sit and Vote in the House of Burgesses, by Reason of his accepting such Office of Profit, shall and may be capable of being again elected.

CHAP. XI.

An Act for encouraging the making of Linen Cloth.

Preamble.

I. FORASMUCH, as the making and Manufacturing of Linen Cloth, will be of very great Service and Benefit to the poorer Sort of the People of this Colony, more especially, at a Time when the Staple Commodity of this Country will not afford them sufficient Maintenance and Support. Wherefore, for the Encouragement thereof.

II. BE

A. D. 1730.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all and every Person and Persons, who shall, after the Commencement of this Act, make, or cause to be made, any Linen Cloth, of Flax, or Hemp, of the Growth and Produce of this Colony, of the Breadth and Fineness of good Oznabrigs, shall have, receive, and be paid, as a Reward, Two Pounds of Tobacco for every Ell of such Cloth. And that all and every Person and Persons, who shall make, or cause to be made of such Flax or Hemp, any Linen Cloth, of the Breadth of Three Quarters of a Yard, and of the Fineness of good Doulass, or of any greater Breadth or Fineness, shall have, receive, and be paid, as a Reward, Four Pounds of Tobacco, for every Ell of such Cloth. Which several Rewards shall be levied on the Inhabitants of the County, wherein such Cloth or Cloths shall be made, and repaid by the Country, at the next public Levy.

Præmium of 2*lb.* of Tob°. upon every Ell of Linen, of the Breadth & Fineness of Oznabrigs, to be paid to the Maker. And 4 *lb.* of Tob°. for every Ell of Linen of the Breadth of ¾ of a Yard, and the Fineness of Doulass; to be levied on the County, and repaid by the Public.

III. *AND be it also Enacted, by the Authority aforesaid,* That the several County Courts within this His Majesty's Colony and Dominion, be impowered, and every of them, are hereby impowered, authorized, and required, at the Laying the County Levy, Annually to allow an Order, to all and every Person and Persons, claiming and demanding the Rewards aforesaid, or either of them, as due to such Person or Persons, by Virtue of this Act; and to assess, raise, and levy the same, upon the Tithable Persons within their respective County, by Poll-Tax.

IV. *PROVIDED always, and it is the true Intent and Meaning of this Act,* That every such Person and Persons making such Linen, before he or they shall be entitled to claim or demand of such Court, the Reward or Rewards given by this Act, shall carry, or cause such Linen to be carried, before some Justice of the Peace of the County wherein such Linen shall be made, and make Oath, or solemn Affirmation, as the Case may be, that the Linen by him or them produced to the said Justice, is of the Growth and Manufacture of this Colony; and that no Person or Persons whatsoever, hath or have before that Time received, or entitled him or themselves to receive, the Reward or Rewards given by this Act, for the making the same. And shall obtain from such Justice, a Certificate or Certificates, to such Court, of his or their having taken such Oath: And that such Linen is of the Breadth and Fineness of good Oznabrigs, or of the Breadth of Three Quarters of a Yard, and of the Fineness of good Doulass, or of greater Breadth or Fineness, as the Case shall be: And shall produce such Certificate or Certificates to such Court, at the Laying the Levy for such County.

Person entitled to the Reward, shall make Oath before a Justice of Peace, and obtain a Certificate.

V. *AND be it further Enacted by the Authority aforesaid,* That this Act shall commence, and be in Force, immediately upon his Majesty's signifying His Royal Approbation thereof: And shall continue thereafter, for and during the Term of Five Years, and from thence to the End of the next Session of Assembly.

Execution of the Act suspended, 'till His Majesty shall approve it, and to continue 5 Years.

Chap. 12. *An Act for restraining the taking of excessive Usury.* REP. Ch. 37, 1748.

13. *An Act to exempt the Inhabitants of any County, wherein any Iron-Works are or shall be erected, from clearing or repairing the Roads leading to and from the same; for making Satisfaction to the Owners of any Lands lying contiguous to such Roads, for the Timber which shall be taken for making or repairing Bridges in such Roads: And for giving further Encouragement to Adventurers in Iron-Works.* REP. Ch. 46, 1748.

A. D. 1730.

Ch. 10, 1748. Chap. 14. *An Act to revive the Act for Supply of certain Defects found in an Act prescribing the Method for appointing Sheriffs.* REP.

Expired. 15. *An Act for raising a Public Levy.*

Ch. 48, 1748. 16. *An Act for impowering Justices of Peace and Constables to weigh Hemp, in order to entitle the Maker to receive the Bounty; and for paying to* William Byrd, *Esq; Five Pounds Four Shillings due to him for the Bounty upon Hemp.* REP.

Private Acts. 17. *An Act for erecting a new County on the Heads of* Stafford *and* King George *Counties.*

18. *An Act for making a new Parish on the Head of* Overwharton *Parish, in* Stafford *County.*

19. *An Act for dividing the Parish of Saint* George, *in the County of* Spotsylvania.

20. *An Act to enable the Justices of Peace of the County of* Elizabeth-City, *and the Minister and Churchwardens of the Parish of* Elizabeth-City, *in the said County, for the Time being, to take and hold certain Lands, given by* Thomas Eaton *to charitable Uses, and to let Leases thereof.*

21. *An Act for vesting certain Lands, belonging to the Church of* Westover *Parish, in Trustees, to be sold, and for laying out the Purchase Money in other Lands, for a Glebe for the said Church, and for improving the same.*

22. *An Act to oblige the Court of* Caroline *County to levy on the Tithable Persons of the said County, a Proportion of the Wages of the Burgesses of* Essex, King *and* Queen, *and* King William *Counties, due for the last Session of Assembly; and also a Proportion of the last public Levy.*

23. *An Act to prevent Swine running at large within the Limits of the Town of* Hampton.

24. *An Act to exempt certain* German *Protestants, in the County of* Stafford, *from the Payment of Parish Levies.*

25. *An Act for vesting certain entailed Lands in* William Randolph, *an Infant, which were purchased by his Father* Thomas Randolph, *Gent. deceased, of* John Sutton Farrar; *and for settling other Lands, and Negroes, given in Lieu thereof, of greater Value, to the same Uses.*

26. *An Act to confirm the Title of* Richard Randolph, *Gent. in and to certain entailed Lands purchased by him of* William

William Ligon; *and for settling other Lands, and two Negroe Slaves, of greater Value, in Lieu thereof, to the same Uses.* *A. D. 1730.*

Chap. 27. *An Act to enable* Henry Cary *to sell certain entailed Lands in the County of* Warwick, *and for settling Three Hundred and Six Acres of Land, with the Appurtenances, in the County of* Henrico, *and the Moiety of Three Thousand Nine Hundred and Forty Two Acres of Land, with the Appurtenances, in the County of* Goochland, *of greater Value, to the same Uses.* Private Acts.

28. *An Act for vesting Four Hundred and Twenty Acres of Land with the Appurtenances, in the County of* Westmoreland, *(being entail'd) in* George Turberville, *Gent. in Fee Simple; and for confirming a Settlement of One Thousand Acres of Land, with the Appurtenances, in the County of* Stafford, *of greater Value, to the same Uses.*

29. *An Act to confirm the Sale of certain entailed Lands, in the County of* King William, *made by* John Douglass *to* John Frazer, *in Fee Simple; and for settling other Lands in the County of* Brunswick, *and Two Negroe Slaves, of greater Value, to the same Uses.*

Signed by WILLIAM GOOCH, *Esq;* *Governor.*
JOHN HOLLOWAY, *Speaker.*

At a GENERAL ASSEMBLY, begun and held at *Williamsburg*, the First Day of *February*, in the First Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. And from thence continued, by several Prorogations, to the Eighteenth Day of *May*, 1732: Being the Third Session of this present General Assembly.

A. D. 1732.
WILLIAM GOOCH, Esq; Governor.

Chap. 1. *An Act to enable the Masters of Ships, to employ their own Sloops, Boats, and Sailors, in carrying Tobacco from the public Warehouses, on board their Ships.* Expired.

Chap.

A. D. 1732.
Expired.

Chap. 2. *An Act for laying a Duty on Liquors.*

This Act is temporary, but continued by several subsequent Acts, with Alterations, and Amendments, to *July* 31, 1751.

CHAP. III.

An Act for laying a Duty upon Slaves, to be paid by the Buyers.

May it please Your Most Excellent Majesty,

Preamble.

I. WE Your Majesty's most dutiful and loyal Subjects, the Representatives of Your People in Your Colony and Dominion of *Virginia*, now met in a General Assembly, taking into our serious Consideration, the Exigencies of Your Government here, and that the Duty laid upon Liquors will not be sufficient to defray the necessary Expences thereof; do humbly represent to Your Majesty, that no other Duty can be laid upon our Import or Export, without oppressing Your Subjects, than a Duty upon Slaves imported, to be paid by the Buyers, agreeable to Your Majesty's Instruction to Your Lieutenant-Governor: We therefore beseech Your Majesty, that it may be Enacted,

II. *AND be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority the same*, That from and after the Passing of this Act, there shall be levied and paid to our Sovereign Lord the King, His Heirs and Successors, for all Slaves imported or brought into this Colony and Dominion, for Sale, either by Land or Water, from any Port or Place whatsoever, by the Buyer or Purchaser, after the Rate of Five Pounds *per Cent.* on the Amount of each respective Purchase, within Forty Days next after such Bargain or Purchase made; to and for the Uses, Intents, and Purposes herein after mentioned, and to and for no other Use, Intent, or Purpose whatsoever: And if any Buyer or Purchaser of any Slave or Slaves, chargeable with the said Duty, by this Act, shall fail or neglect to pay the same, within Forty Days after any such Bargain or Purchase, for such Slave or Slaves, as shall be then living, and to give a just and true Account of the Slaves by him purchased, and for how much, to the Collector of the said Duty, nearest the Place where such Buyer or Purchaser inhabits, or where the Vessel, importing such Slaves, shall lie at the Time of the Sale, every such Person, so failing or neglecting, shall forfeit and pay Five Pounds Current Money, for every Slave so concealed, or for which the said Duty shall not be paid, according to the Directions of this Act, within the Time aforesaid: And every Collector, upon Receipt of the said Duty by this Act imposed, is hereby enjoined and required to give a Receipt under his Hand, for the Money by him received, expressing the Number of Slaves for which the same was paid, and the Time of Payment thereof to the Person paying the same.

Duty of 5 *per Cent.* on Slaves imported, to be paid by the Buyers.
Penalty on Failure.
Repealed by Ch. 6, §. 6, 1738.

III. AND for a Direction to the said Collectors, in receiving the said Duty in Current Money, where the Contract shall be made for Sterling, *Be it Enacted, by the Authority aforesaid*, That when any Bargain or Contract shall be made, for any Slave or Slaves, in Sterling Money, there shall be answered and paid to the Collector of the said Duty, for the Difference of Money, after the Rate of Twenty Pounds *per Cent.* upon the Amount of the Purchase in Sterling Money, over and above the said Duty of Five *per Cent.* by this Act imposed, and no more.

20 *per Cent.* Exchange on Sterling Contracts.

IV. *AND be it further Enacted*, That when any Person shall sell any Slave or Slaves for Tobacco, or any other Commodity, and not for *Sterling*, or Current Money, the Seller, at the Time of Sale, shall set a Value upon such Slave or Slaves, so sold, in Current Money, according to which Valuation, the Buyer or

Where Slaves are sold for Tobacco, &c. the Seller to value such Slaves in Current Money.

or Purchaser shall be chargeable with, and pay to the said Collector, or other Person impowered to receive the same, the said Duty of Five Pounds *per Cent.* *A. D.* 1732.

V. *PROVIDED always, and be it further Enacted*, That if any Person or Persons, after the Passing of this Act, shall sell any Slave or Slaves for which the said Duty is payable by Virtue thereof, to any Person not being an Inhabitant of this Colony, such Person or Persons so selling, shall, at the Time of the Sale, receive the said Duty, and account for, and pay the same to the Collector of the said Duty, nearest the Place where the Seller inhabits, or where the Vessel importing such Slaves shall lie at the Time of the Sale; upon pain of forfeiting, for every Slave so sold, the Sum of Five Pounds Current Money.

The Seller shall Account for the Duty upon Slaves sold to Persons not living in this Colony.

VI. *PROVIDED also*, That no Duty shall be paid or required of the Buyer or Purchaser of any Slave born in this Colony, or imported or brought into the same before the Passing of this Act, or for which the said Duty shall have been once paid.

No Duty for Slaves born here, or imported before this Act.

VII. *PROVIDED also, and it is hereby further Enacted*, That if any Person or Persons inhabiting within this Colony, shall really, and *bona fide*, buy or purchase any Slave or Slaves, for his or their own proper Use, Benefit, or Advantage, and not in Trust, or for the Use, Benefit, or Advantage, of any other Person or Persons, not being an Inhabitant within the same, for which the Duty shall be paid, according to this Act; and shall within Twelve Months after such Bargain or Purchase so made, as aforesaid, be desirous to export such Slave or Slaves, such Buyer or Purchaser shall give a particular Account of the Number of Slaves he intends to export, to the Collector to whom the said Duty, was paid, and shall Subscribe the same; and declare upon Oath, that he is the true and lawful Owner of the Slaves he desires to export, without any Trust for any other Person or Persons, and hath duly paid the Duty, according to this Act; and that the said Slaves shall be directly carried out of this Dominion, and upon his own Account and Risque, and not sold or brought back again within the same, unless the said Duty shall be repaid to the Collector thereof; and then it shall and may be lawful for the said Collector, and he is hereby required and enjoyned, to allow such Buyer or Purchaser the whole Duty paid for such Slave or Slaves so to be exported; any thing in this Act contained to the contrary, notwithstanding.

Drawback on Slaves exported within 12 Months, on the proper Account of Persons inhabiting here.

Exporter must prove his Property upon Oath.

VIII. BUT forasmuch, as it is very easy to convey Slaves into the Province of *North-Carolina*, and to bring them back again, and thereby to evade the Payment of the Duty aforesaid:

No Drawback on Slaves exported to *Carolina.*

IX. *BE it Enacted, by the Authority aforesaid*, That no Drawback shall be allowed for any Slaves carried or exported by Land or Water, into the said Province of *North-Carolina*; and when any Person shall make such Oath as aforesaid, in order to entitle himself to the Drawback, he shall likewise swear, That the Slaves intended to be exported, shall not be carried into the said Province.

X. AND to the End, the Number of Slaves sold, and the Persons purchasing the same, and whether the Duty by this Act imposed, has been duly answered and paid, may be more certainly known and discovered:

XI. *BE it further Enacted*, That all and every Person and Persons, to whom after the passing of this Act any Slaves shall be consigned, or by whom any Slaves shall be sold and disposed of, for which the Buyer or Purchaser shall be chargeable with the Payment of the said Duty, by Virtue of this Act, do and shall, within Three Months after any Slave shall be imported or brought into this Colony, by Land or Water, transmit to the next Collector of the Duties by this Act imposed, a List or Manifest in Writing, of the Number of Slaves by him sold, to whom, and for how much; and therein shall distinguish and express at what Time such Slaves were sold,

Method of paying and accounting for the Duties alter'd by Ch. 6, 1738.

A. D. 1732. and the Place of Abode of the Buyers, respectively, and how many Slaves, if any, remain unsold; and if any Slave shall remain unsold after the Expiration of the said Three Months, in that Case, such List or Manifest as aforesaid, shall be transmitted as aforesaid, to the said Collector, within Twenty Days after the said remaining Slaves shall be all sold: And every Buyer or Purchaser, liable to the Payment of the Duty on Slaves, by Virtue of this Act, shall, if thereunto required by any Collector of the said Duty, at any Time after the Expiration of Forty Days from the Time of such Bargain or Purchase, at the usual Place of such Buyer or Purchaser's Abode or Residence, produce and shew to the said Collector, such Receipt as is herein before directed to be given, upon Payment of the said Duties, to manifest the Payment thereof; and if such Buyer or Purchaser shall fail to produce such Receipt, such Failure shall be taken for a Conviction, that the Duty, for which no Receipt shall be produced hath not been duly answered and paid; and such Buyer or Purchaser, shall be liable to the Forfeitures and Penalties by this Act inflicted, for concealing purchased Slaves, or not paying the Duty within the Time herein before limited and appointed for Payment thereof.

15 *per Cent.* Allowance on Duties paid in imported Money.

XII. *AND be it further Enacted*, That if any Buyer or Purchaser of any Slave or Slaves, chargeable with the Payment of the Duty by this Act imposed, shall have imported into this Colony, any Sum or Sums of Money, and made such Proof, and obtained such Certificate, as in and by an Act of this present Session of Assembly, intituled, *An Act for laying a Duty on Liquors*, is mentioned and directed, upon producing such Certificate to the Collector of the said Duty, such Collector is hereby authorised and required, to make an Abatement or Allowance of Fifteen *per Cent.* in the Payment of the Duty for any Slave or Slaves bought or purchased by the Importer thereof; and upon Payment of the said Duty, the Collector thereof shall endorse on such Certificate the Sum by him received.

Penalties appropriated

XIII. *AND be it further Enacted*, That the Forfeitures and Penalties which shall or may be incurred, by Virtue of this Act, shall be divided into Two equal Parts; One Moiety thereof to the Governor or Commander in Chief of this Colony and Dominion, for the Time being, to and for his own Use and Behoof; and the other Moiety, to him or them that will inform, or sue for the same: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

How to be recovered.

Collectors to be appointed by the Governor, altered Ch. 6, 1738. Their Salary.

XIV. *AND be it further Enacted*, That the Governor or Commander in Chief of this Colony and Dominion, for the Time being, shall be and is hereby impowered, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint, such and so many Collectors of the Duties, laid by this Act upon Slaves, as also such Salaries, (not exceeding Six in the Hundred) for Collecting the said Duties, as to him shall seem best.

They shall Account with the Treasurer, half Yearly, upon Oath.

XV. *AND be it further Enacted*, That all and every Sum and Sums of Money raised or to be raised, by Virtue of this Act, shall be constantly accounted for by the Collector or Collectors thereof, upon Oath, and paid to *John Holloway*, Esq; Treasurer, or to the Treasurer of *Virginia*, for the Time being: And the said *John Holloway* (and, in Case of his Death, or Disability, the Treasurer for the Time being, who shall be appointed in the same Manner as is directed and prescribed by One Act made in the Twelfth Year of the Reign of the late King *George* the First, intituled, *An Act for appointing a Treasurer*;) shall give Security, in the Sum of One Thousand Pounds *Sterling*; and shall have all the Powers and Authorities, in the Execution of his Office, and the same Salary for receiving the Duty imposed by this Act, as in and by the said last mentioned Act are given and allowed: And the said *John Holloway*, and the Treasurer for the Time being, shall Account for the Duties aforesaid, to the Governor, Council, and Burgesses of the General Assembly, upon Oath.

Treasurer to account to the General Assembly.

XVI.

A. D. 1732.

XVI. AND the said Duty is hereby appropriated, and shall be applied for the lessening the Levy by the Poll, and to and for such other Use and Uses, as the General Assembly, from Time to Time, shall direct and appoint. The Duty appropriated.

XVII. AND this Act shall continue and be in Force, for Four Years next after the Passing thereof, and no longer. Continued 4 Years longer by 8 Geo. 2. Ch. 3.

Chap. 4. *An Act to continue the Act, for making more effectual Provision against Invasions and Insurrections.* Expired.

5. *An Act to continue and make perpetual, an Act therein mentioned: And for impowering any Judge of the General Court to take Bail, when the said Court is not sitting; and to oblige Defendants to pay Costs upon Overruling a Plea in Abatement; and for allowing any Person to plead several Matters.* REP. Ch. 6, 1748.

6. *An Act to make the Stealing of Slaves Felony, without benefit of Clergy.* REP. Ch. 14, 1748.

7. *An Act for settling some Doubts and Differences of Opinion, in Relation to the Benefit of Clergy; for allowing the same to Women; and taking away of Reading; and to disable certain Persons, therein mentioned, to be Witnesses.* Repealed, Ch. 13, & 38, 1748.

8. *An Act prescribing the Method for proving Book-Debts.* REP. Ch. 25, 1748.

9. *An Act to amend and explain the Act, for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs.* Expired.

10. *An Act to revive and continue certain Parts of an Act, for ascertaining the Fees of certain Officers; and for better settling the Fees of County Court Clerks, and Sheriffs, and of Attornies in Causes depending in the County Courts, to be allowed in the Bill of Costs; and for settling the Fee for summoning Witnesses in Controversies depending before the Governor and Council, and ascertaining the Allowances to such Witnesses.* Expired.

11. *An Act for lessening the Reward for Killing young Wolves; and for preventing Frauds in obtaining Certificates for Wolves-Heads.* REP. Ch. 50, 1748.

12. *An Act for adding Part of the Counties of* Surry, *and* Isle of Wight, *unto the County of* Brunswick; *and Part of the Parishes of* Lawn's-Creek, Southwark, *and* Warwicksqueak, *in the said Counties of* Surry, *and* Isle of Wight, *unto the Parish of St.* Andrew, *in the said County of* Brunswick. Private.

Chap.

A. D. 1732.

Ch. 8, 1748. Chap. 13. *An Act to prevent frivolous and vexatious Suits: And to regulate Attornies practising in the County Courts.* REP.

Ch. 16, 1748. 14. *An Act for settling new Ferries, over* James, Appamatox, Nottoway, Rappahanock, *and* Patowmack *Rivers.* REP.

Private Acts. 15. *An Act for altering the Place for holding Courts in the County of* Spotsylvania.

16. *An Act to enable and oblige the Parish of Saint* George, *in* Spotsylvania *County, to refund and pay back to the Parish of Saint* Mark, *in the County aforesaid, the Tobacco therein mentioned.*

17. *An Act for altering the Days for holding the Courts of* Richmond, *and* Westmoreland *Counties.*

18. *An Act for Dividing every of the Counties of* Richmond, King George, *and* Prince William, *into Two distinct Parishes.*

19. *An Act for raising a Public Levy.* EXP.

20. *An Act to confirm and establish an Agreement therein mentioned, made between* Thomas Bray, *Gent. and* John Randolph, *Esq; for the Settlement of their respective Rights to certain Lands, whereof* David Bray, *the elder, Gent. deceased, died seised; and for other Purposes therein also mentioned.*

21. *An Act to restrain the Inhabitants of the Town of* Delaware, *from keeping any Sheep or Hogs, running at large.*

22. *An Act for pulling down Wooden Chimneys, in the Towns of* Southampton, *and* Norfolk; *and to prevent the Building of others for the future.*

23. *An Act to enable* Robert Carter, *Esq; one of the Executors of the last Will and Testament of* Mann Page, *Esq; deceased, to pay the Debts of the said* Mann Page, *and to intitle him to receive Interest for the Money he hath advanced, or shall advance, for that Purpose; and to charge the Estate of the said* Mann Page, *with the Repayment of the Principal and Interest.*

24. *An Act for vesting certain entailed Lands, with the Appurtenances therein mentioned, in* Thomas Turner, *in Fee-Simple, and for settling other Lands and Negroes, of greater Value, to the same Uses.*

25. *An Act to oblige the County of* Caroline, *to reimburse* William Woodford *the Damages he sustained by Means of the Escape of* Benjamin Fletcher.

Chap.

A. D. 1732. Private Acts.

Chap. 26. *An Act for vesting certain entailed Lands, in* John Allen, *Gent. in Fee-Simple; and for settling other Lands, and a Mill, of greater Value, to the same Uses.*

27. *An Act to enable* Charles Barham, *to sell certain entailed Lands, therein mentioned; and to purchase other Lands, therein also mentioned; to be settled in Lieu thereof, to the same Uses.*

28. *An Act for vesting certain entailed Lands, with the Appurtenances, in the County of* Northampton, *in* Gertrude Harmanson, *in Fee-Simple; and for settling other Lands and Negroes, of greater Value, in Lieu thereof, to the same Uses.*

29. *An Act for vesting Three Hundred Acres of Land, with the Appurtenances, in the Parish of* Washington, *in the County of* Westmoreland, *whereof* George Weedon *is seised in Fee-Tail, in* John Washington, *Gent. in Fee-Simple; and for settling other Lands, of greater Value, to the same Uses.*

30. *An Act to confirm and establish an Agreement between* Richard Coleman, William Thornton, *and* Francis Thornton, *for the Exchange of certain entailed Lands, therein mentioned; and for settling the same, with certain Negroe Slaves, according to the Will of the Donors.*

31. *An Act for vesting Two Hundred Acres of Land, with the Appurtenances, in the Parish of* Sittenburn, *in the County of* Richmond, *whereof* William-Wilson Homes, *and* Mary *his Wife, in Right of the said* Mary, *are seised in Fee-Tail, in* Richard Barnes, *in Fee-Simple; and for settling other Lands and Negroes, of greater Value, to the same Uses.*

32. *An Act for confirming certain entailed Lands, therein mentioned, to* William Meriwether, *in Fee-Simple; and for settling other Lands and Negroes, in Lieu thereof, to the same Uses.*

33. *An Act to enable* Thomas Bray, *Gent. to sell certain entailed Lands, therein mentioned; and to lay out the Purchase-Money in Slaves, to be annexed to other entailed Lands, therein also mentioned.*

34. *An Act to confirm certain entailed Lands, with the Appurtenances, therein mentioned, to* John Tayloe, *Esq; in Fee-Simple; and for settling other Lands and Negros, therein also mentioned, of greater Value, in Lieu thereof, to the same Uses.*

A. D. 1732. Private.

Chap. 35. *An Act to settle certain entailed Lands, with the Appurtenances, in the County of* Essex, *whereof* William Loury, *and* Mary *his Wife, in Right of the said* Mary, *are seised, upon the issue of the said* Mary, *by her last Marriage; and for settling other Lands, in Lieu thereof, to the same Uses.*

Signed by William Gooch, *Esq; Governor.*
John Holloway, *Speaker.*

A. D. 1734. William Gooch, Esq; Governor.

At a General Assembly, begun and held at *Williamsburg*, the First Day of *February*, in the First Year of the Reign of our Sovereign Lord George, the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and from thence continued, by several Prorogations, to the Twenty Second Day of *August*, 1734: Being the Fourth Session of this present General Assembly.

Expired. Chap. 1. *An Act for continuing and further amending an Act, intituled,* An Act for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs.

Expired. 2. *An Act for continuing an Act, intituled,* An Act for laying a Duty on Liquors.

CHAP. III.

An Act for continuing an Act, intituled, An Act for laying a Duty upon Slaves, to be paid by the Buyers.

Preamble. Ch. 3, 1732. I. WHEREAS the Act of this General Assembly, made at the last Session, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers,* hath been found very easy to the Subjects of this Colony, and no ways burthensome to the Traders in Slaves; to the End therefore that a competent Revenue may be raised for preventing or lessening a Poll-Tax,

The Duty continued 4 Years longer. II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the said Act shall continue and be in Force from and after the Expiration thereof, for and during the Term of Four Years from thence next following, and no longer.

Chap.

A. D. 1734.

Chap. 4. *An Act for further continuing the Act*, For making more effectual Provision against Invasions and Insurrections. Expired.

5. *An Act to make void certain Contracts for the paying excessive Usury; for the further Discouragement of the unrighteous Practice of taking more than the lawful Interest; and reducing the Rate of Interest.* REP. Ch. 37, 1748.

6. *An Act for amending the Act, intituled,* An Act for settling the Titles and Bounds of Lands; and for preventing unlawful Shooting and Ranging thereupon. Repealed, Ch. 1, 1748.

7. *An Act for better regulating the Trial of Criminals for capital Offences.* REP. Ch. 13, 1748.

8. *An Act for allowing* Indians *to be Witnesses in criminal Offences committed by* Indians. REP. Ch. 38, 1748.

CHAP. IX.

An Act for more effectually obliging Persons to buy and sell by Weights and Measures, according to the English *Standard.*

Preamble.

I. FORASMUCH as the Buying and Selling, by false Weights and Measures, is of late much practised in this Colony, to the great Injury of the People,

After the 10th of *June*, 1736, none shall buy or sell but by Weights and Measures, according to the Standard of the Exchequer. Penalty.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same,* That from henceforth there shall be but one Weight, one Measure, one Yard, and one Ell, according to the Standard of the *Exchequer*, in *England*: And whosoever shall sell or buy by, or keep, any other Weight, Measure, Yard, or Ell, whereby any Corn, Grain, Salt, or other Thing, is bought or sold, after the Tenth Day of *June*, One Thousand Seven Hundred and Thirty Six, shall forfeit, for every Offence, Twenty Shillings, being thereof lawfully convicted, by the Oath of one sufficient Witness, before any Justice of the Peace of the County where the Offence shall be committed; to be levied, by Distress, and Sale of the Goods of the Offender, for the Use of the Poor of the Parish; rendering the Overplus to the Party so offending: And in Default of such Distress, such Justice of the Peace shall commit the said Party to the common Goal or Prison, there to remain, without Bail or Mainprize, until he shall pay such Forfeitures, as aforesaid.

Such Weights and Measures to be provided by the Counties, Eighteen Months after the End of the Session.

III. AND, to the End all People may be more easily provided with such Weights and Measures, *Be it further Enacted*, That the Justices of Peace of every County, where they have not already provided the same, shall, within Eighteen Months after the End of this Session of Assembly, provide, at the Charge of their respective Counties, Brass Weights, of Half Hundreds, Quarterns, Half Quarterns, Seven Pounds, Four Pounds, Two Pounds, and One Pound Weight, according to the said Standard: And Measures, of Bushel, Half Bushel, Peck, and Half Peck, dry Measure, according to that Standard: And Gallon, Pottle, Quart, and Pint, of Wine Measure, according to the said Standard; with proper Scales for the Weights; upon Pain of forfeiting, by every Justice sworn into the Commission of the Peace, Five Shillings, for every Month such Weights and Measures shall be wanting: To be recovered, by Action of Debt, or Information, in any Court of Record in this Colony, one Moiety

A. D. 1734. Moiety whereof ſhall be to the King, his Heirs and Succeſſors, for ſupporting the contingent Charges of this Government, and the other Moiety to the Informer.

Tried Weights and Meaſures ſhall be ſealed.

IV. AND, the ſaid Weights and Meaſures, ſo to be provided, ſhall be kept, from Time to Time, by ſuch Perſon as ſhall be appointed by the County Courts, reſpectively, to which all Perſons may reſort, for trying their Weights and Meaſures; and when they are tried, and found to agree with the Standard, the ſame ſhall be ſealed by the Perſon keeping ſuch Standard, with a Seal, to be likewiſe provided by the Juſtices, as aforeſaid. And, that the Fees to the Perſons entruſted with the Keeping of ſuch Standard Weights and Meaſures, be, for the trying every Stillyard, and Certificate thereof, One Shilling; for the trying any Weights or Meaſures, and ſealing the ſame, Four Pence for every ſuch Weight or Meaſure ſealed; to be paid by the Perſon for whom the Service ſhall be done; any former Law, Cuſtom, or Uſage, to the contrary hereof, in any wiſe, notwithſtanding.

Fees for Trying & Sealing.

Not to prohibit Buying & Selling by tried Stillyards.

V. *PROVIDED always*, That this Act, or any thing herein contained, ſhall not be conſtrued to prohibit any Perſon or Perſons whatſoever, from Buying and ſelling by Stillyards which ſhall be tried by and agree with the Standard aforeſaid, where the Buyer and Seller, Payer and Receiver, ſhall both conſent thereto; any thing in this Act contained, to the contrary hereof, in any wiſe, notwithſtanding.

Expired.

Chap. 10. *An Act for better regulating and collecting certain Officers Fees, and other Purpoſes therein mentioned.*

Ch. 12, & 15, 1748.

11. *An Act for the better Direction of Officers in the Sale of Goods, or other Things, taken in Execution, or diſtrained for Rent.* REP.

Repealed, Ch. 14, 1738.

12. *An Act for leſſening the Penalties for killing Deer at unſeaſonable Times, and for the better Recovery thereof.*

Ch. 7, 1748.

13. *An Act to amend the Laws now in Force, for the more ſpeedy and eaſy Recovery of ſmall Debts.* REP.

Ch. 30, 1748.

14. *An Act for better regulating Ordinary-Keepers, and Retailers of ſtrong Liquors, and to prevent their giving Credit; and to diſable them to maintain any Action, or recover any Money, Tobacco, or other Commodity, for ſuch Liquors ſold upon Credit.* REP.

Ch. 35, 1748.

15. *An Act for the better Support and Encouragement of the College of* William *and* Mary, *in* Virginia. REP.

Expired.

16. *An Act for appointing a Treaſurer; and for other Purpoſes therein mentioned.*

Expired.

17. *An Act for raiſing a Public Levy; and for other Purpoſes therein mentioned.*

Ch. 16, & 7, 1748.

18. *An Act for appointing ſeveral new Ferries, and leſſening the former Rates ſettled for the Ferriage of Wheel-Carriages; and altering ſeveral Court-Days.* REP.

Chap.

A. D. 1734.

Private Acts.

Chap. 19. *An Act declaring the Glebe of* Elizabeth *River Parish, lately purchased, to be a sufficient Glebe: Directing the Sale of several Glebes; and for other Purposes therein mentioned.*

20. *An Act for dividing the Parish of* Henrico, *and for uniting and dividing the Parishes of* Newport *and* Warwicksqueak, *in the County of* Isle of Wight; *and for other Purposes therein mentioned.*

21. *An Act for destroying Crows and Squirrels in the* Northern *Neck, and on the* Eastern *Shore.* EXP.

CHAP. XXII.

An Act to oblige the Justices of James-City *and* York *to levy Tobacco, for certain Officers of the City of* Williamsburg.

I. WHEREAS the Mayor, Recorder, and Aldermen, of the City of *Williamsburg*, or any Three of them, whereof the said Mayor, Recorder, or the last preceeding Mayor shall be one, are authorised and impowered, by Law, to take the Examination of any Person or Persons whatsoever, suspected of having committed any Capital Crime, or other Offence, triable in the General Court, or Courts of *Oyer* and *Terminer*; and upon such Examination, if they see Cause, by *Mittimus* under their Hands, to commit such Offender or Offenders to the Public Goal of the City: And forasmuch as the Mayor, Recorder, and Aldermen, of the said City, have not Power, by Law, to levy Tobacco for defraying the Charges necessarily accruing by Reason of such Examinations: Private.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Justices of the Court for the County of *James-City*, and the Justices of the Court for the County of *York*, shall, and they are hereby required, Yearly, at the Time of laying the Levy for their respective Counties, to levy so much Tobacco as is now due, or which hereafter shall be due, for the Serjeant of the said City, for the Commitment, Maintaining in Prison, and Releasement of Prisoners committed to his Charge for criminal Offences, and for Summoning a Court, and Witnesses, for their Examination; for the Clerk of the Court of *Hustings*, for his Attendance at the Examination of such Criminal Offenders; and for the Constable of the said City, for serving Warrants upon such Criminal Offenders, as is by Law allowed to be levied for the Sheriff, County Court Clerk, and Constable, for Services of the like Sort, in the several Counties of this Colony: That is to say, The Justices of the Court for the said County of *James-City* shall levy such of the said Charges as shall be occasioned by reason of Offences committed in that Part of the said City, and the Jurisdiction thereof, which lies in the said County of *James-City*; and the Justices of the Court for the said County of *York*, shall levy such of the said Charges, as shall be occasioned by reason of Offences committed in that Part of the said City, and the Jurisdiction thereof, which lies in the said County of *York*. All which Tobacco, so levied, shall be paid by the Sheriff, or other Collector of the County Levy, of the said Counties of *James-City*, and *York*, respectively, to the several Persons for whom the same shall be levied, in the same Manner as the other Creditors in the County Levy shall be paid.

A. D. 1734.
Private Acts.

Chap. 23. *An Act for the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of* Nansemond *County lately consumed by Fire.*

24. *An Act for dividing* Spotsylvania *County.*

25. *An Act for the better enabling the Executors of the last Will and Testament of* Charles Burges, *Gent. deceased, to pay his Debts and Legacies.*

26. *An Act to vest Part of the Estate of* Robert Carter, *Esq; deceased, devised to* Robert Carter *the Younger, who died in his Life-time, in* Robert Carter, *the Son and Heir of the said* Robert Carter *the Younger; and to make Provision for* Pricilla Carter, *the Widow of the said* Robert Carter *the Younger, and* Elizabeth Carter, *his Daughter.*

27. *An Act to vest certain entailed Lands, with the Appurtenances therein mentioned, in* Charles Tomkies, *Gent. in Fee-Simple; and for settling other Lands of greater Value, to the same Uses.*

28. *An Act to enable the* Nottoway Indians *to sell certain Lands therein mentioned; and for discharging the* Indian *Interpreters.*

29. *An Act for docking the Intail of certain Lands, in the Counties of* Glocester *and* Elizabeth-City, *and vesting the same in* Henry Willis, *in Fee-Simple; and for settling other Lands and Tenements, and several Slaves, to the same Uses.*

30. *An Act to prevent the building Wooden Chimnies in the Towns of* York *and* Glocester, *and for pulling down such as are already built therein; and to restrain Hogs and Goats from going at large in the said Town of* York.

31. *An Act for dividing the County of* Prince George, *and Parish of* Bristol, *and adding Part of the County of* Brunswick *to the new erected County.*

Signed by WILLIAM GOOCH, *Esq; Governor.*
Sir JOHN RANDOLPH, *Speaker.*

At a GENERAL ASSEMBLY, ſummoned to be held at the Capitol, in the City of *Williamſburg*, on the Firſt Day of *Auguſt*, in the Ninth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued, by ſeveral Prorogations, to the Fifth Day of *Auguſt*, in the Tenth Year of His ſaid Majeſty's Reign, and in the Year of our Lord, 1736.

WILLIAM GOOCH, Eſq; Governor.

CHAP. I.

An Act for laying a Duty upon Liquors imported by Land, and better ſecuring the Duty upon Slaves; and for other Purpoſes therein mentioned. (a)

I. WHEREAS, by an Act of the General Aſſembly, made at a Seſſion held in the Fifth and Sixth Years of His preſent Majeſty's Reign, a Duty or Cuſtom of Three Pence, was laid upon every Gallon of Rum, Brandy, and other diſtilled Spirits, and Wine, imported or brought into this Colony, from any Port or Place whatſoever, except from *Great-Britain*, to be paid by the Owner or Importer thereof: And by a former Act, made at a Seſſion of the General Aſſembly, held in the Twelfth Year of the Reign of the late King *George* the Firſt, one other Duty of One Penny, was laid upon every Gallon of the ſaid Liquors, imported as aforeſaid, to be paid by the Owner or Importer thereof, for and during the Term of Twenty One Years; which ſaid Duty of Three Pence, was appropriated to ſuch Uſe or Uſes, as the General Aſſembly ſhould think fit to direct, for leſſening the Levy by the Poll, or defraying any Public Expence; and the ſaid other Duty of One Penny, by an Act made at the laſt Seſſion of the General Aſſembly, was appropriated to the Uſe and Support of the College of *William* and *Mary*, in *Virginia*. Recital of former Acts.

II. AND whereas of late, great Quantities of the ſame Liquors are brought and imported into this Colony, by Land, from ſeveral of the King's other Plantations in *America*, and are ſold upon the Frontiers of this Colony, at very extravagant Rates, by the Owners thereof, without paying any Duty: *Be it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That from and after the paſſing of this Act, the ſame Duty of Three Pence, and One Penny, upon every Gallon of the ſaid Liquors, which ſhall be imported and brought into this Colony and Dominion, from any other Plantation, by Land, ſhall be paid, Recital. The Duties of 3 *d.* & 1 *d.* ſhall be paid for Liquors imported by Land.

(a) So much of this Act as relates to the Duty upon Liquors is repealed, and provided for, by Ch. 52, 1748. and as to Slaves, ſee Ch. 6, 1738.

A. D. 1736.

Entry to be made with the Collector, within 6 Days after Importation.

paid, or secured to be paid, by the Owner or Importer thereof, during the Continuance of the said other Duties respectively, and shall be and are hereby appropriated respectively to the same Uses; and the Owners or Importers of such Liquors, shall enter the same, within Six Days after Importation, with the Collector, appointed by Virtue of this Act; and give a true Account of the Quantities thereof, upon Oath, to such Collector, (who shall give a Permit, under his Hand, for selling the same,) upon Pain of forfeiting such Liquors; to be recovered or seised by any Collector of the said Duties, or any other Person whatsoever: And if any Controversy shall arise, touching the Importation or Property of the said Liquors, the *Onus Probandi* shall lie upon the Owners or Importers thereof.

Collectors to be appointed by the Governor, with the Advice of the Council.

And to pay the Duties to the Treasurer.

Their Authority.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Governor, or Commander in Chief of this Colony, for the Time being, with the Advice of the Council, be and is hereby impowered, from Time to Time, to nominate and appoint such and so many Collectors of the said Duties, with such Salaries, not exceeding Six Pounds in the Hundred for collecting the same, as to him shall seem best; which Collectors shall account for such Duties by them received, and pay the same, from Time to Time, to the present Treasurer, or the Treasurer for the Time being, who shall account for the same, as for other Duties: And it shall and may be lawful for every Collector of the said Duties, to enter into any House in the Day Time, or, if Occasion be, by Warrant, under the Hand of a Justice of Peace, in Company with a Constable, to break open, in the Day Time, any House, to search for, seise and carry away, any such Liquors, for which the said Duty shall not have been paid, or secured to be paid: And if any such Collector, or Constable, shall be sued for any Thing done in Execution of this Act, such Collector or Constable may plead the General Issue, and give this Act, and the special Matter in Evidence; and if in any such Suit, the Plaintiff shall be Nonsuit, or Judgment pass against him, the Defendant or Defendants shall recover double Costs.

The Forfeitures appropriated.

IV. *AND be it further Enacted*, That the Forfeitures incurred, by Virtue of this Act, shall be divided into Three Parts; one Third whereof shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; one other Third to the Governor, or Commander in Chief of this Colony, for the Time being, for his own Use and Behoof; and the other Third to him who shall seise, or sue for the same: To be recovered, with Costs, by Action of Debt, or Information, in any Court of Record, within this Dominion.

Allowance for Leakage, and imported Money.

V. *PROVIDED always*, That the same Allowance for Leakage, and Payment of Duties, in imported Money, shall be made to the Owner or Importer of Liquors imported by Land, as by the said former Acts are allowed.

Recital.

VI. AND whereas, by one other Act of the General Assembly, made at a Session held in the said Fifth and Sixth Years of His said present Majesty's Reign, *for laying a Duty upon Slaves, to be paid by the Buyers*, a Duty of Five *per Cent. ad valorem*, was laid upon all Slaves imported or brought into this Colony, for Sale, either by Land or Water, to be paid by the Buyers, within Forty Days after the Purchase, for such as should be then Living: But by Experience it is found, that the Number of Collectors, who have been appointed to collect the same, hath given Occasion to vast Frauds; so that hardly one half of the said Duties hath been paid into the Treasury:

Buyers of Slaves to pay the Duty down, or secure the same to be paid in forty Days.

Slaves dying

VII. *BE it therefore Enacted, by the Authority aforesaid*, That from henceforth, the Buyer of any Slave or Slaves, imported or brought into this Colony, as aforesaid, shall pay the said Duty down, or secure the same to be paid, within Forty Days after such Purchase, to the Collector: And if such Slave or Slaves, for which the Duty has been paid, shall happen to die within Forty Days,

Days, limited in the ſaid former Act; upon Oath thereof made before any Juſtice of the Peace, ſuch Buyer ſhall draw back the whole Duty; and the Collectors thereof are hereby required to repay the ſame. *A. D.* 1736. within 40 Days, the Owners to draw back the Duty.

VIII. AND for the better Collection of the ſaid Duty, *Be it further Enacted by the Authority aforeſaid*, That one Collector only, for every Diſtrict, within this Colony, ſhall be appointed for collecting and receiving the ſaid Duties; and every Buyer failing to pay the ſame, or ſecure the ſame to be paid, ſhall be liable to the Penalties inflicted by the ſaid former Act. But 1 Collector for every Diſtrict.

IX. AND to the End, the ſaid Buyers of Slaves, chargeable with the Duties, may be more ſpeedily known, *Be it Enacted by the Authority aforeſaid*, That all and every Perſon and Perſons to whom any Slaves ſhall be conſigned, for Sale, ſhall, within Two Months after the Arrival of the Ship importing the ſame, deliver to the Collector of the Duties on Slaves, in the Diſtrict where the ſame ſhall be imported, a true Manifeſt or Account of all the Slaves by him Sold, the Name and Place of Abode of every Perſon buying the ſame, the reſpective Prices at which each Slave was ſold, and how many of the ſaid Slaves, if any, remain then unſold: And if any Slave or Slaves ſhall remain unſold, after the Expiration of the ſaid Two Months; in that Caſe, the like Manifeſt or Account ſhall be tranſmitted to the Collector, within Twenty Days after the remaining Slaves ſhall be all ſold; and ſhall, on the laſt mentioned Manifeſt, make Oath before ſome Juſtice of the Peace, which Oath the ſaid Juſtice is hereby impowered and required to adminiſter; *That the Manifeſts by him delivered or tranſmitted to the Collector, do contain a true Account of all the Slaves ſold by him or them out of ſuch Ship, including as well the Slaves allowed to the Maſters and Officers as privileged Slaves, if he ſold the ſame, as thoſe properly belonging to the Owners of ſuch Ship or Veſſel*: And every Maſter of a Ship or Veſſel importing Slaves, ſhall, before his Clearing, deliver the like Manifeſt, upon Oath, of all the privileged Slaves imported, to whom ſold, and at what Price; and the Collector ſhall, within Ten Days next after the ſaid reſpective Manifeſts are returned to him, deliver to the Treaſurer of the ſaid Duty, for the Time being, a true Account of all the Perſons who have purchaſed Slaves, and have not (within the ſaid Forty Days after ſuch Purchaſe) ſatisfied and paid the Duties payable for the ſame; and ſo from Time to Time, after the Expiration of the ſaid Forty Days; and ſuch Return duly made, ſhall entitle the Collector to his Salary for the Duty, out of the Forfeitures, or any former Payment, when the ſame ſhall be recovered, in the Manner herein after mentioned.

Factors to deliver Manifeſts to the Collectors within Two Months after the Ship's Arrival.

The like Manifeſts to be delivered within 20 Days after all the Slaves are ſold; if any remain after the ſaid Two Months.

Manifeſts of the privileged Slaves, to be delivered by the Maſter.

Collectors to give an Account to the Treaſurer, of the Duties unpaid.

X. AND for the better Recovery of the Duties aforeſaid, which have heretofore or hereafter ſhall become due and payable, it ſhall and may be lawful for the Treaſurer of the ſaid Duty, for the Time being, to commence and proſecute any Action or Information, *qui tam*, in the General Court, for Recovery of any Penalty inflicted by the ſaid former Act, altho' the ſame ſhall not amount to Ten Pounds *Sterling*; and no Act or Time of Limitation ſhall be pleaded, or judged to be a Bar to any ſuch Action. For which he may bring Suit.

XI. AND whereas divers Perſons, to whom Slaves imported have been conſigned, as well as the Importers of Slaves, taking Advantage of certain Words in the ſaid former Act, have taken and choſen for themſelves certain Slaves, and have returned the ſame in their Accounts of Sales to the Collectors of the ſaid Duties, as kept for their own Uſe, and therefore have refuſed to pay the Duty for the ſame, when the ſaid Act, or any thing therein contained, is not capable of any ſuch Conſtruction: Therefore, for the Recovery of ſuch Duties as have heretofore been defrauded by the ſaid Pretences, and for preventing the like Abuſes for the future, Factors or Importers taking Slaves to themſelves, chargeable with the Payment of the Duty.

XII. *BE it further Enacted*, That all and every Perſon and Perſons who heretofore have with-held the ſaid Duties upon ſuch Pretences, as aforeſaid, and

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ſhall not pay the ſame to ſome Collector thereof, within Two Months aſter the paſſing of this Act, ſhall forfeit and pay the Penalties in the ſaid former Act inflicted; and all and every Perſon and Perſons hereafter failing to pay the ſaid Duties, upon the like Pretences, ſhall be alſo liable to the ſame Penalties: To be recovered, as in this Act is directed.

The Treaſurer may compound,

XIII. *PROVIDED always*, That it ſhall and may be lawful for the Treaſurer to compound the ſaid Penalties, with any Perſon failing to pay the ſaid Duty, either before or after an Action brought.

Madeira Wine imported by the Governor, exempted from Payment of the Duty.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all *Madeira* Wine imported by His Majeſty's Lieutenant-Governor, or the Governor, or Commander in Chief of this Colony, for the Time being, not exceeding Ten Pipes in One Year, for his own Uſe, be and are hereby exempted from the Payment of the Duties impoſed upon Wine imported.

Duties ſecured by Bond, how to be ſued for, and recovered.

XV. AND whereas divers Perſons, importing Liquors into this Colony, and giving Bond for the Payment thereof, at the End of Six Months, have, notwithſtanding, delayed ſuch Payment for a long Time after the ſaid Six Months, and the Collectors have been obliged to bring Suits for Recovery of the Duties bonded: For Prevention of which Delays for the future, *Be it Enacted, by the Authority aforeſaid*, That where any Perſon hath, or ſhall hereafter become bound for the Payment of the ſaid Duties on Liquors, and have not, or ſhall not pay the ſame, whether ſuch Bond be made to the King, or the Collector of the ſaid Duties, it ſhall and may be lawful to and for the Collector to ſue, out of the General Court, or the Court of the County wherein ſuch Perſon, or his Securities reſide reſpectively, one or more Writ or Writs of *Scire facias*, in the Name of the King, his Heirs and Succeſſors, returnable to the ſaid Court, againſt the Perſon or Perſons chargeable with the ſaid Duties, and his or their Securities, to ſhew Cauſe, why Execution ſhould not iſſue againſt him, them, or either of them, for the Duties ſo unpaid; and thereupon, to obtain and ſue out Execution accordingly.

Penalty on Collectors neglecting to account with the Treaſurer.

XVI. AND whereas it appears, that ſome Collectors of the Duties upon Liquors and Slaves, do ſometimes delay to account with the Treaſurer Half-yearly, for the Duties by them received, whereby Loſſes may be occaſioned to that Revenue, *Be it further Enacted*, That ſuch Collectors be and are hereby required to account with the Treaſurer every Half Year; (*to wit,*) on the Twenty Fifth Day of *April*, and the Twenty Fifth Day of *October*, every Year, or within Fifteen Days afterwards, upon Pain of forfeiting one Half of their Commiſſions; to be deducted out of their Accounts, by the Treaſurer; and to be by him carried to the Credit of the Public Treaſury.

CHAP. II.

An Act, to declare who ſhall have a Right to vote in the Election of Burgeſſes to ſerve in the General Aſſembly, for Counties; and for preventing fraudulent Conveiances, in order to multiply Votes at ſuch Elections.

Recital.

I. WHEREAS, divers Frauds have of late been practiſed, to create and multiply Votes, in Elections of Members to ſerve in the General Aſſembly, by making Leaſes of ſmall and inconſiderable Parcels of Land, upon feigned Conſiderations, and by ſub-dividing Lots of Ground in Towns, in Prejudice of the Rights of the true Freeholders, and contrary to the true Intent and Meaning of the Laws in that Behalf.

II. BE

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II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the Authority of the same,* That no Person or Persons whatsoever, shall hereafter have a Right to vote at any Election of Members to serve in the General Assembly, for any County, who hath not an Estate of Freehold, or other greater Estate, in One Hundred Acres of Land, at least, if no Settlement be made upon it; or Twenty Five Acres, with a House and Plantation, in his Possession, or in the Possession of his Tenant or Tenants for Term of Years, in the same County where he gives such Vote: But if any Person or Persons shall have such Estate in One Hundred Acres of Land uninhabited, or upwards, lying in Two or more Counties, such Persons shall have a Right only to vote in that County wherein the greater Quantity of the said Land lies, although the same shall not amount to One Hundred Acres in either County. The Qualifications of the Electors.

III. *AND be it further Enacted,* that all Estates and Conveiances whatsoever, heretofore or hereafter to be made to any Person or Persons, in any fraudulent or collusive Manner, on Purpose to qualify him or them to give his or their Vote or Votes at such Elections, shall be null and void, to all Intents and Purposes whatsoever: And that every Person who shall make and execute such Conveiance or Conveiances hereafter, or being privy to such Purpose, shall devise or prepare the same; and every Person who, by Colour thereof shall give any Vote at any Election of a Member, to serve in the General Assembly, for a County, shall, for every such Conveiance so made, or Vote so created or given, forfeit the Sum of Forty Pounds, to any Person who shall sue for the same: To be recovered, with Costs, by Action of Debt, or Information, in any Court of Record in this Colony. Conveiances on Purpose to qualify Persons to vote, declar'd void. Penalty on Persons, who make or prepare, or vote, by Colour of such Conveiances.

IV. *AND be it further Enacted, by the Authority aforesaid,* That from henceforth, no Person shall vote for the electing any Burgess, in Respect or in Right of any Lands or Tenements, whereof he has not been in Possession for One whole Year, next before the Teste of the Writ, for such Election; unless such Lands or Tenements came to such Person within that Time, by Descent, Marriage, Marriage-Settlement, or Devise. No Vote to be given in respect of a Freehold, unless possessed by the Party a Year before the Teste of the Writ.

V. *PROVIDED always,* That nothing in this Act contained, shall be construed to hinder any Person to vote at such Elections, in Respect or in Right of any Houses, Lands, or Tenements, lying and being in any City or Town, laid out and established by Act of Assembly, so as such Person be a Freeholder, in any House and Lot, or a House, and Part of a Lot; but where the Interest in any such House and Lot, or House and Part of a Lot, is or shall be divided among several Persons, no more than one single Voice shall be admitted for one and the same House or Lot. Freeholders in any Town, their Qualifications.

VI. *PROVIDED also,* That where Lands are held by several Joint-Tenants, or Tenants in Common, no more than one single Voice shall be admitted in Respect or in Right of such Lands, unless the Quantity be sufficient to allot to each Joint-Tenant, or Tenant in Common, One Hundred Acres, at least, if the same be uninhabited; or Twenty Five Acres, with a House and Plantation thereon, in the Tenure and Occupation of such Joint-Tenant, or Tenant in Common, or of their Tenants. Joint-Tenants, or Tenants in Common.

VII. AND whereas, by One Act of the General Assembly, made in the Fourth Year of the Reign of the late Queen *Anne*, intituled, *An Act, for regulating the Election of Burgesses; for settling their Privileges; and ascertaining their Allowances, It is Enacted,* That every Freeholder, before he is admitted to poll at any Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the Oath therein mentioned: *Be it Enacted, by the Authority aforesaid,* That the said Act, as to so much only as Recital.

concerns

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So much of the Act 4 *Annæ*, as relates to the Oath to be taken by the Electors, repealed.

concerns the said Oath, shall be and is hereby repealed: And that upon every Election hereafter to be made, of any Burgess or Burgesses for a County, to serve in the General Assembly, every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates, or any of them, or any Persons appointed to manage the Election for any absent Candidate, first take the following Oath; or if he be one of the People called Quakers, shall declare the Effect of the same, upon his Affirmation, *viz.*

The Oath appointed to be taken.

YOU shall swear, *That you are a Freeholder in the County of and have at least One Hundred Acres of Freehold Lands unseated, lying and being in the Parish of in the County of in your sole Possession, or in the Possession of your Tenant or Tenants, for Years; or that you have One Hundred Acres of Freehold Lands unseated, lying and being in the Counties of in your sole Possession, or in the Possession of your Tenant or Tenants, for Years; and that the greatest Part of the said Land doth lie in the County of or that you are a Freeholder and sole Owner of Twenty Five Acres of Land, with a House and Plantation upon it, lying and being in the County of in your sole Possession, or in the Possession of your Tenant or Tenants, for Years; or that you are a Freeholder and sole Owner of a House and Lot, or a House and Part of a Lot, in your own Possession, or in the Possession of your Tenant or Tenants, lying and being in the City or Town of ; and that such Freehold Estate hath not been made or granted to you fraudulently, on Purpose to qualify you to give your Vote; and that you have not been polled before at this Election.*

Penalty in Case of Perjury.

Which Ooth, or Affirmation, the Sheriff, by himself, his Under-Sheriff, or such sworn Clerk or Clerks, as shall be by him appointed for taking of the Poll, is hereby required to administer. And in Case any Freeholder, or other Person, taking the said Oath, or Affirmation hereby appointed, shall thereby commit wilful and corrupt Perjury, and be thereof convicted; or if any Person do unlawfully and corruptly procure or suborn any Freeholder, or other Person, to take the said Oath, or Affirmation, in order to be polled, whereby he shall commit such wilful and corrupt Perjury, and be thereof convicted; he and they, for every such Offence, shall incur the like Pains and Penalties, as are in and by One Act of Parliament, made in the Fifth Year of the Reign of the late Queen *Elizabeth*, intituled, *An Act, for Punishment of such Persons as shall procure or commit any wilful Perjury*, Enacted, against all such who shall commit wilful Perjury, or suborn or procure any Person to commit any unlawful or corrupt Perjury, contrary to the said Act.

The Duty of the Sheriff, & his Clerks, at and after the taking the Poll.

VIII. AND the better to detect and punish any Offenders against this Act, *Be it Enacted, by the Authority aforesaid*, That in taking the Poll, the Sheriff, or his Under-Sheriff, and Clerks, shall enter sworn, or affirmed, against the Name of every such Voter who shall take the Oath, or Affirmation hereby required: And that the said Sheriff shall, within the Space of Twenty Days next after such Election, faithfully deliver, upon Oath, (which Oath any Justice of the Peace is hereby enabled and required to administer,) unto the Clerk of the same County Court, attested Copies of the Original Poll of such Election, without any Imbezzlement or Alteration, to be recorded among the Records of such County Court.

Expired.

Chap. 3. *An Act for further amending the Act, for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs.*

Ch. 14, 1748.

4. *An Act for obliging Apprentices to serve the Time they shall be bound for by Indentures, notwithstanding their Infancy.* R E P.

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Chap. 5. *An Act altering the Laws now in Force for the Sale of Goods taken in Execution, or distrained for Rent; and for the better preventing the fraudulent Practices of Tenants.* REP. Ch. 12, & 15. 1748.

6. *An Act for preventing Persons contracting small Debts, to remove their Effects out of the County where they reside; and for allowing a Lawyer's Fee, in some Cases, upon Recoveries had upon Petitions.* REP. Ch. 7, 1748.

7. *An Act for the greater Ease and Encouragement of Sheriffs.* REP. Ch. 10, 1748.

8. *An Act for the better regulating and collecting certain Officers Fees; and other purposes therein mentioned.* Expired.

9. *An Act to prevent cutting up Tobacco Suckers.* REP. Ch. 24, 1748.

10. *An Act for regulating the Fees and Accounts of the Practicers in Phisic.* Expired.

11. *An Act for the better Regulation of the Office of Surveyors of Land, and directing them in their Duty.* REP. Ch. 19, 1748.

12. *An Act for raising a public Levy, and for other Purposes therein mentioned.* Expired.

CHAP. XIII.

An Act for Confirming and better Securing the Titles to Lands in the Northern Neck, *held under the Right Honourable* Thomas *Lord* Fairfax, *Baron of* Cameron, *in that Part of* Great-Britain, *called* Scotland.

Recital of the Patent 21 *Car.* 2. wherein is recited another Patent 1 *ejusdem Regis.*

I. WHEREAS the late King CHARLES the Second, by certain Letters Patents, under the Great Seal of *England*, bearing Date at *Westminster*, the Eighth Day of *May*, in the One and Twentieth Year of his Reign, reciting, That he, taking into his Royal Consideration, the Propagation of the *Christian* Faith, and the manifold Benefits arising to the Church of GOD, together with the Welfare of Multitudes of his Loyal Subjects, by the Undertaking and vigorous Prosecution of Plantations of Foreign Parts, and particularly in his Dominions of *America*, by his Letters Patent, under the Great Seal of *England*, bearing Date at *Saint Germans on Ley*, the Eighteenth Day of *September*, in the First Year of his Reign, for the Consideration therein expressed, had Given, Granted, and Confirmed, unto *Ralph*, Lord *Hopton*, *Henry*, Earl of *St. Albans*, by the then Name of *Henry*, Lord *Jermyn*, *John*, Lord *Culpepper*, *John*, Lord *Berkeley*, of *Stratton*, by the Name of Sir *John Berkeley*, Sir *William Morton*, one of the Justices of his Court of *Kings-Bench*, by the then Name of Sir *William Morton*, Sir *Dudley Wyatt*, and *Thomas Culpepper*, their Heirs and Assigns, for ever, *All* that intire Tract, Territory, or Parcel of Land, situate, lying, and being in *America*, and bounded within the Head of the Rivers *Rappahanock*, and *Quiriough*, or *Patowmack* Rivers, the Courses of the said Rivers as they are commonly called and known by the Inhabitants, and Descriptions of those Parts, and *Chesapeak* Bay; together with the Rivers themselves, and all the Islands within the Banks of those Rivers, and all Woods, Under-woods, Timber and Trees,

 Ways,

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Ways, Waters and Rivers, Ponds, Pools, Water-Courſes, Fiſhings, Streams, Havens, Ports Harbours, Creeks, Wrecks of Sea, Fiſh-Royal, Deer, wild Beaſts, and Fowl, of what Nature and Kind ſoever, Mines of Gold and Silver, Lead, Tin, Iron, and Copper, and Quarries of Stone, and Coal, which then were, or at any Time thereafter ſhould be had, coming, being, and ariſing, renewing, accruing, found or taken, within the Bounds or Precincts aforeſaid; together with the Royalty of Hawking and Hunting, for themſelves, their Heirs and Aſſigns, Servants and Tenants, in and upon the Lands and Premiſes aforeſaid: *Saving and Reſerving*, to him, his Heirs and Succeſſors, One full Fifth Part of all Gold Mines, or Gold Oar, and One full Tenth Part of all Silver Mines, or Silver Oar, thereafter to be found within the ſaid Tract or Territory of Land, *To have, hold, and enjoy*, all the ſaid intire Tract, Territory, or Portion of Land, and all and ſingular other the Premiſes, with their and every of their Appurtenances, thereby granted, or mentioned, or intended to be granted, (except as before is excepted) to the ſaid *Ralph*, Lord *Hopton*, *Henry*, then Lord *Jermyn*, now Earl of *Saint Albans*, *John*, Lord *Culpepper*, Sir *John Berkeley*, now Lord *Berkeley*, of *Stratton*, Sir *William Morton*, Sir *Dudley Wyatt*, and *Thomas Culpepper*, their Heirs and Aſſigns, for ever, to their only Uſe and Behoof, and to no other Uſe, Intent, or Purpoſe whatſoever: *Yielding and paying* therefore, Yearly, at the Feaſt of Saint *John* the Baptiſt, to his ſaid Majeſty, His Heirs and Succeſſors, the Sum of Six Pound Thirteen Shillings and Four Pence, at the Receipt of *James*-Town, in the Dominion of *Virginia*, in Lieu of all Services and Demands whatſoever. Reciting alſo, That the ſaid *Ralph*, Lord *Hopton*, *John* Lord *Culpepper*, Sir *Dudley Wyatt*, and *Thomas Culpepper*, being dead, and the ſaid Lord *Hopton* having ſold his Eſtate and Intereſt in the Premiſes, to *John Trethewey*, Eſq; the ſaid Tract, Territory, or Parcel of Land, and all and ſingular other the Premiſes, had been ſurrender'd, together with the ſaid Letters Patents, to be cancell'd; to the Intent, that his ſaid late Majeſty might grant them new Letters Pattent thereof, with ſuch Alterations, Proviſos, and Clauſes, as therein after is expreſſed, He, the ſaid late King, in Conſideration of the ſaid Surrender, and for and in Conſideration of the many and faithful Services done to his late Royal Father of bleſſed Memory, and to Himſelf, by the ſaid *Henry*, Earl of *Saint Albans*, *John*, Lord *Berkeley*, Sir *William Morton*, and *John Trethewey*, Eſq; and for divers other good Cauſes and Conſiderations him thereunto eſpecially moving, of his ſpecial Grace, certain Knowledge, and mere Motion, did Give, Grant, and Confirm, unto the ſaid *Henry*, Earl of *Saint Albans*, *John*, Lord *Berkeley*, Sir *William Morton*, and *John Trethewey*, their Heirs and Aſſigns, for ever, *All* that entire Tract, Territory, or Parcel of Land, ſcituate, lying, and being in *America*, and bounded by and within the Heads of the Rivers *Tappahanock* alias *Rappahanock*, and *Quiriough* alias *Patowmack* Rivers; the Courſes of the ſaid Rivers, as they are commonly called and known by the Inhabitants and Deſcriptions of thoſe Parts, and *Cheſapeak* Bay; together with the Rivers themſelves, and all the Iſlands within the Banks of thoſe Rivers; and all Woods, Under-woods, Timber and Trees, Ways, Waters, Rivers, Ponds, Pools, Water-courſes, Fiſhings, Streams, Havens, Ports, Harbours, Creeks, Wrecks of Sea, Fiſh-Royal, Deer, Wild Beaſt and Fowl, of what Nature, and Kind ſoever; Mines of Gold and Silver, Lead, Tin, Iron, and Copper, and Quarries of Stone, and Coal, which then were, or at any Time thereafter ſhould be had, coming, being, ariſing, renewing, accruing, found or taken, within the Bounds or Precincts aforeſaid; together with the Royalties of Hawking and Hunting, for themſelves their Heirs and Aſſigns, Servants and Tenants, in and upon the Land and Premiſes aforeſaid, and in and upon every Part and Parcel thereof: *Saving*, *Excepting*, *and Reſerving*, to his ſaid late Majeſty, his Heirs and Succeſſors, One full Fifth Part of the Whole, in Five Parts to be divided, of all Gold Mines, or Gold Oar; One full Tenth Part of all Silver Mines, and Silver Oar, thereafter to be had or found within the ſaid Tract or Territory of Land, *To have, hold, and enjoy*, all the ſaid intire Tract, Territory, or Portion of Land, and all and ſingular other the Premiſes, with their, and every of their Appurtenances,

The Death of ſome of the firſt Patentees, Lord *Hopton*'s Sale, and the Surrender of the firſt Patent.

Conſideration.

The Grant.

Habendum.

Appurtenances, thereby granted, or mentioned, or intended to be granted, (except as before is excepted,) to the ſaid *Henry*, Earl of St. *Albans*, *John*, Lord *Berkeley*, Sir *William Morton*, and *John Trethewey*, their Heirs and Aſſigns, for ever, to their only Uſe and Behoof, and to no other Uſe, Intent or Purpoſe whatſoever: *Yielding and Paying* therefore, Yearly, at the Feaſt of St. *John* the Baptiſt, to his ſaid late Majeſty, his Heirs and Succeſſors, the Sum of Six Pounds Thirteen Shillings and Four Pence, at the Receipt of *James* Town, in *Virginia*, in Lieu of all Services and Demands whatſoever: With Power to divide the ſaid Tract or Territory of Land, into Counties, Hundreds, Pariſhes, Tithings, Townſhips, Hamlets, and Boroughs; and to erect and build Cities, Towns, Pariſh Churches, Colleges, Chapels, Free Schools, Alms-Houſes, and Houſes of Correction; and to endow the ſame, at their free Wills and Pleaſures: And did appoint them full and perpetual Patrons of all ſuch Churches ſo to be built and endowed, with Power of electing, nominating, and preſenting any fit Perſon to the Office and Place of Maſter of any College, or School-Maſter of any School, ſo to be founded and endowed: With Power alſo, to divide any Part or Parcels of the ſaid Tract, or Territory, or Portion of Lands, into Manors; and to call the ſame after their own, or any of their Names, or by other Name or Names whatſoever; and within the ſame to hold a Court, in the Nature of a Court Baron; and to hold Pleas of all Actions, Treſpaſſes, Covenants, Accounts, Contracts, Detinues, Debts, and Demands whatſoever, where the Debt or Thing demanded, exceed not the Value of Forty Shillings of Current Money of *England*; and to receive and take all Amerciaments, Fines, Commodities, Advantages, Perquiſites, and Emoluments whatſoever, to ſuch reſpective Court Barons belonging, or in any-wiſe appertaining. *And further*, to hold within the ſaid Manors, a Court Leet, and View of frank Pledge, of all the Tenants, Reſidents, and Inhabitants of the Hundreds within ſuch reſpective Manors; to be holden Twice in every Year; and to erect Fairs, Markets, Courts of Pipowder, with all Things incident thereto: And to erect Parks for Breeding, Feeding, and Suſtentation of Deer, and other Wild Beaſts of Chaſe. *And further*, the ſaid late King, by the ſaid Charter, for himſelf, his Heirs and Succeſſors, did grant and give Licence to the ſaid *Henry*, Earl of *Saint Albans*, *John*, Lord *Berkeley*, Sir *William Morton*, and *John Trethewey*, their Heirs and Aſſigns, freely, and without Moleſtation of him, his Heirs and Succeſſors, to give, grant, or by any Ways or Means, ſell or alien, all and ſingular the Premiſes, by theſe Preſents granted, and every Part and Parcel thereof to any Perſon or Perſons being willing to contract for, or buy the ſame, to be holden of the ſaid *Henry*, Earl of *Saint Albans*, *John*, Lord *Berkeley*, Sir *William Morton*, and *John Trethewey*, their Heirs and Aſſigns, as of any of their aforeſaid Manors, in free and common Soccage, by Fealty only, and by Suit of Court, or by any other lawful Tenure or Terms uſed within the Kingdom of *England*; rendering and paying ſuch Rent, and other lawful Reſervations, as ſhall ſeem fit and convenient to the ſaid *Henry* Earl of *Saint Albans*, *John* Lord *Berkeley*, Sir *William Morton*, and *John Trethewey*, their Heirs and Aſſigns; notwithſtanding the Statute, commonly called *Quia emptores Terrarum*, or any other Statute, Act, or Ordinance, or Proviſion; or any other Thing, Cauſe, or Matter whatſoever, to the contrary, notwithſtanding. *And further*, the ſaid late King, for himſelf, his Heirs and Succeſſors, did Grant to the ſaid Patentees, their Heirs, Executors, and Aſſigns, to enlarge and confirm the ſaid Letters Patent, by Granting to them and their Heirs, other New Ones, with ſuch favourable Conceſſions and Grants, as might ſupply any Defects therein contained, with this *Proviſo nevertheleſs*, That the ſaid Letters Patent, or any Thing therein contained, ſhould not extend, or be conſtrued to extend, to infringe, make void, or other ways prejudice any Contract or Contracts, Grant or Grants, whatſoever, theretofore made or granted, by the Governor and Council of *Virginia*, unto any Planters, or other Inhabitants, then in the actual Poſſeſſion thereof, by Virtue of any ſuch Grants made, before the Nine and Twentieth Day of *September*, in the Thirteenth Year of his Reign: But if any Part of ſuch Lands ſo granted, ſhould eſcheat, or be otherwiſe forfeited, then the ſaid Patentees, their Heirs and Aſſigns, might diſpoſe thereof, for their beſt

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Reſervation of Rent.

The Powers granted to the Patentees.

New Patent to be granted.

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Proviso, as to Seating.

best Benefit and Advantage, at their own free Wills and Pleasures: *With this Proviso also*, That so much of the said granted Premises, as within the Time and Space of One and Twenty Years then next following, should not be possessed, inhabited, or planted, by the Means or Procurement of the said Patentees, their Heirs or Assigns, that then the said Letters Patent should cease, determine, and become void. *And lastly, with this further Proviso*, That the said Patentees, their Heirs and Assigns, should not act or intermeddle in the Military Affairs or Forces, of or within the said Tract of Land and Premises thereby granted, or any Part thereof, or with the Government or Command of any of the Castles, Forts, or Fortifications thereof, without the Order, Authority, or Command of the Governor and Council of *Virginia*, for the Time being; or such other Person or Persons, as his said late Majesty, his Heirs or Successors, should think fit to dispose the same: And that the Governor, Council, and Assembly of *Virginia*, for the Time being, should have full Power and Authority, to impose and lay any Taxes and Impositions upon the said Territories, thereby granted, and all the Lands and Premises thereby meant and intended to be granted, and all and every the Possessors Inhabitants thereof, for the public and common Defence of the said Colony of *Virginia*, and the Territory and Lands thereby granted, as upon other Parts of *Virginia*, proportionably, when and as often as the Necessity of the said Colony should require the same, for the common Good. And that the said Patentees, their Heirs and Assigns, and other Inhabitants of, or in the Premises, should be in all Things subject and obedient to such Laws and Constitutions, as were or should be made by the said Governor, Council, and Assembly, for or concerning the said Colony, or the Government thereof; any thing therein before contained to the contrary, notwithstanding, as in the said Letters Patent more fully is contained.

Patentees not to intermeddle with Military Affairs.

Inhabitants subject to the Payment of Taxes.

And the Laws of the Colony.

Recital of the Patent, 4 *Jac.* 2. which recites the before mentioned Letters Patents, and the Sale to the Lord *Culpepper*.

II. AND whereas, the late King *James* the Second, by other Letters Patent, under the Great Seal of *England*, bearing Date at *Westminster*, the Seven and Twentieth Day of *September*, in the Fourth Year of his Reign, reciting the above recited Letters Patents; and that the said former Patentees, their Heirs and Assigns, had, by good and sufficient Conveiance and Assurance in the Law, for valuable Considerations, sold, conveyed, and assured the said whole Tract, Territory, and Portion of Land; and all and singular the Premises, and every Part and Parcel thereof, and all their Estate, Right, Title, and Interest therein, together with the said Letters Patents, unto *Thomas*, Lord *Culpepper*, eldest Son and Heir of *John*, late Lord *Culpepper*, deceased, his Heirs and Assigns, for ever; who was thereby become sole Owner and Proprietor thereof, in Fee Simple, for the Considerations therein mentioned, did Give, Grant, and Confirm, unto the said *Thomas*, Lord *Culpepper*, all that intire Tract, Territory, or Parcel of Land, scituate, lying, and being in *Virginia*, in *America*, and bounded by and within the first Heads or Springs of the Rivers of *Tappahanock* alias *Rappahanock*, and *Quiriough* alias *Patowmack* Rivers; the Courses of the said Rivers, from their said first Heads or Springs, as they were commonly called and known by the Inhabitants, and Descriptions of those Parts, and the Bay of *Chesapeak*; together with the said Rivers themselves, and all the Islands within the uttermost Banks thereof; and the Soil of all and singular the Premises; and all Lands, Woods, Under-woods, Timber, and Trees, Ways, Mountains, Swamps, Marshes, Waters, Rivers, Ponds, Pools, Lakes, Water-courses, Fishings, Streams, Havens, Ports, Harbours, Bays, Creeks, Ferries; with all Sorts of Fish, as well Whales, Sturgeons, and other Royal-Fishes, as all others whatsoever, Wrecks of Sea, *Floatson*, *Jetson*, and *Lagan*; and all Sorts of Deer, Wild Beasts, and Fowl, of what Nature, or Kind soever; and all Manner of Deodands, Goods of Felons and Fugitives, Treasures Trove, Waifs, Strays, Fines, Forfeitures, Escheats, Advowsons, Royalties, and Hereditaments whatsoever; with all Mines of Gold and Silver, Lead, Tin, Iron, and Copper, and all Quarries of Stone, and Coal, within the Limits and Precincts aforesaid, which then were or at any Time thereafter, should be had, coming, being, arising, growing, renewing, accruing, found, or taken, within the Bounds, Limits,

The Grant.

Precincts,

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Precincts, or Places aforesaid: *Saving, Excepting, and Reserving*, to his said late Majesty, his Heirs and Successors, One full Fifth Part of all Gold Mines, and Gold Oar; and One full Tenth Part of all Silver Mines, and Silver Oar, then being, or which thereafter should be had or found within the said Tract or Territory of Land, *To have, hold, and enjoy*, all the said intire Tract, Territory, or Portion of Land, and every Part and Parcel thereof, and all and singular other the Premises, with their, and every of their Appurtenances, thereby granted, or mentioned, or intended to be granted, (except as before is excepted,) to the said *Thomas*, Lord *Culpepper*, his Heirs and Assigns, for ever, to his and their only Use and Behoof, and to no other Use, Intent, or Purpose whatsoever: *Yielding and Paying*, therefore, Yearly, from thenceforth, on the Feast of Saint *John* the Baptist, to his said late Majesty, his Heirs and Successors, the Sum of Six Pounds Thirteen Shillings and Four Pence, at the Receipt of *James-Town*, in the Colony of *Virginia*, in Lieu of all Services and Demands whatsoever; the first Payment to be made on the Feast Day of Saint *John* the Baptist next ensuing the Date of the said Letters Patent: And his said late Majesty, did thereby, for himself, his Heirs and Successors, further Give, Grant, Ratify, and Confirm, to the said *Thomas*, Lord *Culpepper*, his Heirs and Assigns, for ever, all and singular the Grants, Powers, Authorities, Privileges, Licences, and Clauses, in the said herein before recited Letters Patents mentioned, granted, or conveied, in as large and ample Manner, to all Intents and Purposes whatsoever, as if the same, and every of them, had been particularly granted and expressed in these his Letters Patent; except only the above-mentioned *Proviso*. And his said late Majesty did further, of his special Grace, certain Knowledge, and mere Motion, for himself, his Heirs and Successors, fully and absolutely, for ever, release and discharge the said above-mentioned *Proviso*, and every Part thereof, and every Matter and Thing therein contained, in as large and ample Manner, to all Intents and Purposes whatsoever, as if the same had never been made; thereby declaring the same to be null and void; and the said *Thomas*, Lord *Culpepper*, his Heirs and Assigns, and the Tract, Territory and Premises, and every Part thereof, to be for ever freed, cleared, and discharged from the same; so and in such Manner, that the said *Thomas*, Lord *Culpepper*, his Heirs and Assigns, might freely and absolutely enter into, have, hold, occupy, possess, and enjoy, the said Tract, Territory, and all and singular other the Premises, freed and discharged of the said *Proviso*, and all Right, Title, and Equity thereupon to be had, in as large, ample, and beneficial Manner, to all Intents and Purposes, as if the same *Proviso* had been never had or made; any thing in the said recited Letters Patent, or any thing therein, or in the last mentioned Letters Patent, to the contrary thereof, in any-wise, notwithstanding, as in the said last recited Letters Patent more fully is contained.

Habendum.

Reservation of Rent.

III. AND whereas, the Right Honourable *Thomas*, Lord *Fairfax*, Baron of *Cameron*, in that Part of *Great-Britain*, called *Scotland*, Heir at Law to the said *Thomas*, Lord *Culpepper*, is now become sole Proprietor of the said Territory, with the Appurtenances, and the above recited Letters Patents: And whereas, divers great Quantities of Land have been granted to Adventurers, and Planters, within the said Territory, in Fee Simple, by the Agents and Attornies of the said Lord *Fairfax*, and his Predecessors, former Proprietors of the said Territory, and Letters Patents, by Virtue of divers Letters of Attorney, from Time to Time, by them respectively given and granted to their said Attornies and Agents; but now of late, after long Possessions, and great and valuable Improvements made upon the said Lands, by such Grantees, Questions are like to arise between them and the said present Proprietor, touching the Validity of such Grants, as well in Respect to a Construction set up and maintained, of the said Letters of Attorney, that the Powers therein contained, were not full and sufficient to enable and warrant the said Agents and Attornies to pass away Estates in Fee Simple, as in Respect of the said Lord Proprietor's Estate in the Premises, the same being now held by him as Tenant in Tail, under the Will or Wills of some of his Ancestors; whereby the Minds of many of His Majesty's good Subjects, Possessors of Lands and Tenements within the said Territory, are greatly

That the Validity of Grants, made by the Agents or Attornies of the present Proprietor and his Predecessors, have been questioned,

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greatly disquieted, and many Controversies and expensive Law Suits may probably ensue: For the Prevention whereof, and for settling Peace between his Lordship and his said Tenants,

A Confirmation of these Grants.

IV. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from henceforth, all and every Grant and Grants, heretofore duly and regularly made and passed, by any of the Agents or Attornies of the Proprietors of the said Territory, or any of them, shall be good, available, and binding in Law, to pass such Estate or Estates as therein have been granted; and the Grantees, their Heirs and Assigns respectively, shall, for ever hereafter peaceably and quietly have, hold, and enjoy the same granted Premises, according to such granted Estates, under the Rents and Services by the said Grants reserved, notwithstanding the Infancy, Coverture, or any Misprision, or Mistake of the Names, Dignity, or Title of the said Proprietors, or either of them; or any Misrecital, Omission, or Defect, in the said Grant or Grants, or any of them; so as the same have been made and signed by the Agents or Attornies of the said Proprietors, or the Husband, Guardian or Guardians, Trustee or Trustees of any of them; and passed under the Common Seal of the Office, kept by them, for that Purpose.

CHAP. XIV.

An Act for lessening the Allowances to Witnesses in the County Courts; and Altering the Method of providing for the Passage of the Eastern *Shore Burgesses, to and from the General Assembly.*

The Allowance to Witnesses attending the County Courts reduced.

I. WHEREAS the Allowances appointed by Law, for Witnesses attending the County Courts, are too large, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted by the Authority of the same,* That for the future, the Allowance to every Witness attending any County Court, who, by Law, is entitled to be paid for the same, be reduced to Twenty Five Pounds of Tobacco, for every Day's Attendance; yet, so as all Witnesses who are summoned to such Court from another County, shall be allowed, for travelling to and from Court, and Ferriages, as before the making of this Act; any Law, Custom, or Usage, to the contrary, notwithstanding.

The Burgesses from the *Eastern* Shore to provide for their own Passage, for which 500 Pounds of Tobacco is allowed to each of them, or 50 Shillings.

II. AND whereas, the Method and Allowance provided by Law, for the Passage of the Burgesses for the Counties of *Accomack*, and *Northampton*, to and from the General Assembly, is found to be too expensive: *Be it further Enacted, by the Authority aforesaid,* That for the future, the Sheriffs of those Counties, respectively, be discharged from impressing, or in any Manner providing Vessels and Hands, for conveying their Burgesses across the Great Bay, to and from the General Assembly: And that the Law, so far as relates thereto, be henceforth repealed: And that the Courts of the said Counties of *Accomack*, and *Northampton*, respectively, shall levy, for each of their Burgesses attending every future Session of the General Assembly, Five Hundred Pounds of Tobacco, and no more, for his Passage across the said Bay, to and from the same, besides his other Allowance appointed by Law; except when the Allowances of the Burgesses are defrayed out of the Public Monies: And in that Case, Fifty Shillings shall be allowed, instead of the said Five Hundred Pounds of Tobacco.

Expired.

Chap. 15. *An Act for paying the Wages of Burgesses in Money, for this present Session of Assembly.*

Chap.

A. D. 1736.

Chap. 16. *An Act for the Relief of divers of the Inhabitants of the Parishes of* Raleigh *and* Dale. Private

CHAP. XVII.

An Act for Relief of certain Persons who were Sufferers in the Loss of the Records of the County of Nansemond.

I. WHEREAS, by one Clause of an Act of the General Assembly, made at the last Session, *for the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of* Nansemond *County, lately consumed by Fire*; for Perpetuating the Testimony of Witnesses, in Relation to any Deed, Will, Inventory, or other Writing, recorded in the said County Court, where the Original is lost, and no attested Copy thereof can be produced, It was Enacted, That it should and might be lawful for the Governor, Lieutenant-Governor, or Commander in Chief of this Colony, for the Time being, to issue One Commission, or more, under the Great Seal of the Colony, to Twelve able and discreet Persons directed, giving them, or any Four, or more of them, full Power and Authority, to meet at some convenient Time and Place by them to be appointed, and to adjourn from Time to Time as they should think fit; and to summon, hear, and examine all Witnesses, at the Instance of any Person whatsoever, touching the Premises, and to take their Depositions in Writing; and to return the same, with such Commission, to the Secretary's Office: And such Depositions shall be laid before the General Assembly, at the next Session; to the End, that they might be enabled to give such effectual Relief to the Sufferers, by the Loss of the said Records, as to them should seem most just and reasonable. And whereas, a Commission hath issued under the great Seal of the Colony, bearing Date the Nineteenth Day of *April*, in the Eighth Year of the Reign of His present Majesty, to *William Wright*, and Eleven others directed, pursuant to the said Act, who have made a Return of their Proceedings in the Premises; whereby it doth appear, that they have examined divers Witnesses to sundry Deeds, Wills, and other Matters; and that the several Deeds, Wills, and other Matters, mentioned in a Schedule to this Act annexed, have been well and sufficiently proved: Therefore, for making the same effectual, Private.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That from henceforth, the Proofs of the several Possessions, Purchases, Deeds, and Wills; and the Decree in Chancery in the said Schedule mentioned, shall and may be given in Evidence in any Court of Law or Equity, and shall avail for the Benefit and Advantage of all Persons claiming under them, as much as the same can or ought to avail: And it shall and may be lawful for the Clerk of the said County Court of *Nansemond*, to record the several Copies of Wills in the said Schedule mentioned, which have been proved to have been true Copies, tho' not attested by any sworn Clerk.

III. AND to the End, that other Persons, who have not yet been able to produce Witnesses before the said Commissioners, in Relation to their Deeds, and other Evidences, which may have been lost among the Records of the said County, *Be it further Enacted, by the Authority aforesaid*, That One other, or more Commissions, shall and may be issued and continued, by the Governor or Commander in Chief of this Colony, for the Time being, for Examining other Witnesses, and Perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the said Act of Assembly; to be executed and returned, as in the said Act is directed.

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A Schedule, containing the Proofs of several Deeds, Wills, and other Things, made before certain Commissioners, by Virtue of a Commission under the Seal of the Colony of *Virginia*, bearing Date the Nineteenth Day of *April*, in the Eighth Year of His present Majesty's Reign, to them directed, pursuant to an Act of Assembly, in that Case made and provided.

Anno 1693. *Daniel Horton*, purchased of *William Hood*, Two Hundred Acres of Land, on the *North* Side of *Nuckle's* Swamp, in the upper Parish of *Nansemond* County; and the said *Daniel Horton* dying Intestate, possessed of the said Land, *Joseph Horton*, his Son and Heir at Law entered, and is now in Possession thereof.

1695. *Benjamin Clark*, was in quiet Possession, and continued until the Time of his Death, of a Parcel of Land, in the Parish of *Suffolk*, in the County of *Nansemond*, joining on the Head of *Bennet*'s Creek, near *Jordan*'s Mill; and *Edward Clark*, his Son and Heir at Law entered, and is now in Possession thereof.

1696. *James Doughtie*, Father of *Edward Doughtie*, purchased of *Thomas Jornigan*, Son of *Thomas Jornigan*, the Plantation whereon the said *Edward* now lives, lying on *Evans*'s Creek, in *Nansemond* County, being Part of a Patent for Seven Hundred Acres of Land, formerly granted to one *Mulford*.

1704. *John Webb* purchased of *Epaphraditus Benton*, a Parcel of Land whereon he now lives, on the middle Branch of the *Cross* Swamp, in the upper Parish of *Nansemond* County.

1707. *Aaron Blanchard*, purchased of *Lewis Williams*, Eighty Acres of Land, on *Crany* Creek, in the upper Parish of *Nansemond* County; and since conveyed the same to *John Parker*, who is now in Possession thereof.

1719. *William Ragdale*, by his last Will and Testament, devised to *Margaret Sullivan*, (now the Wife of *Jethro Sumner*,) a Parcel of Land in *Tucker*'s Neck, in the upper Parish of *Nansemond* County, to her, and her Heirs for ever.

1719. The last Will and Testament of *John Peters*, deceased, bearing Date the Twelfth Day of *April* 1719, was proved in the Court of *Nansemond* County, and admitted to Record; and a true Copy thereof proved.

1721. *Thomas Martin*, purchased of *John Odom*, Son and Heir of *John Odom*, the Elder, a Parcel of Land, lying at a Place called *Summerton*, in the old Field where *Summerton* Chapel now stands, in the County of *Nansemond*.

1724. The last Will and Testament of *John Brinckley*, deceased, bearing Date the Ninth Day of *April* 1724, was proved in the Court of *Nansemond* County; and admitted to Record.

1725. *William Shivers*, by Deed of Gift, recorded in *Nansemond* County Court, gave to his Son, *Thomas Shivers*, a Parcel of Land, lying at a Place commonly called *South Key*, in the County of *Nansemond* aforesaid; being the Land whereon the said *Shivers* now lives.

1728. *Henry Jenkins*, purchased of *James Murray*, and *Elizabeth* his Wife, Fifty Acres of Land, in the Parish of *Suffolk*, in *Nansemond* County, adjoining to *Solomon Shepherd*'s Land.

1729. *Henry Jenkins*, purchased of *Charles McDuel*, Fifty Acres of Land, (being a Tract of Land the said *McDuel* purchased of *James Murray* and *Elizabeth* his Wife (lying in the Parish of *Suffolk*, in *Nansemond* County, adjoining to *Solomon Shepherd*'s Land, and the Land the said *Jenkins* purchased of the said *Murray*, and his Wife,

1727. *Nathan Mires*, purchased of *James Murray*, and *Elizabeth* his Wife, Fifty Acres of Land, in the Parish of *Suffolk*, in *Nansemond* County, adjoining to *Shepherd's* Land.

1729 or 1730. *Edward Moore* purchased of *William Moore*, a Parcel of Land, being the Land whereon the said *Edward* lives, in the County of *Nansemond*.

1731. *Joshua Jordan* purchased of *Charles Jordan*, a Parcel of Land, in the Parish of *Suffolk*, in the County of *Nansemond*, on *Chuekatuck* Creek, adjoining *Thomas Jordon*'s, *Benjamin Jordon*'s, and *William Jordon*'s Lands.

1732. *Theophilus Pugh*, purchased of *William Hickman*, a Parcel of Land, in the County of *Nansemond*, on a Branch of the *Beaver-Dam* Swamp.

Jonathan

Jonathan Roberts, purchased of *James Babb*, a Parcel of Land, being the Land whereon the said *Roberts* lives, in the County of *Nansemond*. 1733.

John Pinner, purchased of *Henry Gray*, and *Mary* his Wife, and *Godfrey Lee*, and *Sarah* his Wife, a Parcel of Land, being the Land whereon the said *Pinner* now lives, in the County of *Nansemond*. 1733.

A Decree in Chancery, passed at the Suit of *Theophilus Pugh*, against *Peter Plackiter*, in the Court of *Nansemond* County, to foreclose the said *Peter's* Equity of Redemption in certain Lands, lying in *Nansemond* County, mortgaged by the said *Peter Plackiter*, to the said *Theophilus Pugh*, (except the said *Peter's* Wife's Right of Dower in the said Land,) as also to all the Goods and Chattels of the said *Peter*. 1733.

A Copy of the last Will and Testament of *Nathan Newby*, deceased, bearing Date the Sixth Day of *July*, One Thousand Seven Hundred and Thirty Three, was proved in the Court of *Nansemond* County, and admitted to Record. 1734.

Chap. 18. *An Act for building a Bridge over* Nottoway *River.* Private.

19. *An Act for appointing certain new publick Ferries; setting the Rates of several County Ferries; and altering several Court Days.* REP. Ch. 16, & 7, 1748.

20. *An Act for making Reparation for the Tobacco lately burnt in* Gray's-*Creek Warehouse.* Expired.

21. *An Act to dock the Entail of certain Lands, whereof* Lewis Burwell *Esquire, is seised; and for settling other Lands and Slaves of greater Value to the same Uses.* Private Acts.

22. *An Act to impower the Vestries of the Parish of Saint* John *in the County of* King William, *and the Parish of* Warwick, *in the County of* Warwick, *to sell several Parcels of Glebe Land therein mentioned, and to purchase better and more convenient Glebes in Lieu thereof.*

23. *An Act for selling certain Lands, with a Water Mill, and Slaves of the Estate of* Joseph Allen, *Gentleman, deceased, for the Payment of his Debts.*

CHAP. XXIV.

An Act to confirm the Charter of the Borough of Norfolk; *and for enlarging the Jurisdiction of tho Court of* Hustings *in the City of* Williamsburg.

I. WHEREAS, by a Charter lately passed under the Great Seal of the Colony of *Virginia*, bearing Date, at *Williamsburg*, the Fifteenth Day of *September*, in the Tenth Year of his present Majesty's Reign, and in the Year of our Lord, One Thousand Seven Hundred and Thirty Six, the Town of *Norfolk* is erected into a Borough, by the Name of *The Borough of* Norfolk; and the Inhabitants thereof, are made a Body Corporate, consisting of a Mayor, Recorder, Eight Aldermen, and Sixteen Common Council Men, with Capacity to purchase and receive Manors, Lands, Tenements, and Hereditaments, not exceeding One Thousand Pounds *Sterling, per Annum*; and all Goods and Chattels whatsoever, *To hold*, to them, and their Successors, for ever: And to plead and

A. D. 1736. be impleaded, prosecute and defend all Causes, Complaints, Actions Real, Personal, and Mixt; and to have One common Seal, and Perpetual Succession: With Power to the said Mayor, Recorder, and Aldermen, to be Justices of the Peace within the said Borough; and Directors of all Buildings and Streets, in the said Borough: And to make Constables, Surveyors of the Highways, and other Officers; also to hold a Court of Hustings, once in every Month, within the said Borough; and to appoint Clerks, and other proper Officers, from Time to Time where there shall be Occasion; and to settle and allow reasonable Fees, not exceeding the Fees allowed in the County Courts; and to have Jurisdiction, and to hold Plea of Trespass and Ejectment, and all Writs of Dower for any Lands and Tenements within the said Borough; and all other Actions, Personal and Mixt, arising within the same; so as the Demand, in such Action, Personal or Mixt, do not exceed Twenty Pounds Current Money, or Four Thousand Pounds of Tobacco; and as a Court of Record, to give Judgment, and award Execution thereon, according to Law: Also, with Power to the said Mayor, Recorder, Aldermen, and Common Council Men, to erect Work-Houses, and Houses of Correction, and Prisons; and to make Bye-Laws and Ordinances, for the Regulation and good Government of the Trade, and other Matters within the said Borough, to be observed and performed by all Manner of Persons residing within the same, under reasonable Penalties and Forfeitures; to be levied by Distress and Sale of the Goods of the Offenders, for the publick Benefit of the said Borough: With Power to elect and send one Burgess, to sit in the House of Burgesses, as in the said Charter is particularly directed: And to hold and keep three Markets Weekly, and Two Fairs Yearly; and to hold Courts of Pipowder; and have and take all Tolls, Profits, and Perquisites, arising, due, and incident, from and to such Markets, Fairs, aud Courts of Pipowder, as in the said Charter more fully is contained. And for Strengthening and Confirming the same,

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the said Charter, and all the Clauses, Grants, Powers, Privileges, and Immunities, therein mentioned and contained, be and are hereby confirmed unto the said Borough of *Norfolk*, and the Inhabitants thereof, for ever: And that the present Recorder of the said Borough, and the Recorder thereof for the Time being, shall, in his Absence from the said Borough, have full Power and Authority to exercise the said Office, by his sufficient Deputy, by him, from Time to Time, to be appointed, by Writing, under his Hand and Seal; so as such Deputy be approved by the Court of the Mayor, Aldermen, and Common Council Men, of the said Borough, or the major Part of them.

III. *AND be it further Enacted by the Authority aforesaid*, That the Court of Hustings, in the City of *Williamsburg*, shall, from henceforth have Jurisdiction, and hold Plea of all Actions, Personal and Mixt, and Attachments, whereof any County Court within this Colony, by Law, have, or can take Cognisance: And that the Mayor, Recorder, and Aldermen, of the said City respectively, shall have, use, and exercise all the Powers, Jurisdictions, and Authorities, out of Court, which any Justice or Justices of the Peace of a County now have, or can, or may use and exercise.

Private. Chap. 25. *An Act to prevent the retailing of strong Liquors in the Town of* York *in small Quantities.*

Signed by WILLIAM GOOCH, *Esq; Governor.*
Sir JOHN RANDOLPH, *Speaker.*

At

A. D. 1738.

At a GENERAL ASSEMBLY, summoned to be held at the Capitol, in the City of *Williamsburg*, on the First Day of *August*, in the Ninth Year of the Reign of our Sovereign Lord GEORGE, the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued, by several Prorogations, to the First Day of *November*, in the Twelfth Year of his said Majesty's Reign, and in the Year of our Lord, 1738. Being the Second Session of this present General Assembly.

WILLIAM GOOCH, Esq; Governor.

Chap. I. *An Act for further continuing and amending the Act, for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs.* Expired.

CHAP. II.

An Act for the better Regulation of the Militia.

Recital.

I. WHEREAS, the Laws heretofore made, *for the Settling and better Regulation of the Militia*, have proved very ineffectual, whereby the Colony is like to be deprived of its proper Defence, in Time of Danger, for want of Training the Persons listed to serve therein, and reducing them under a proper Discipline:

What Persons shall be listed.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Publication of this Act, the Colonel, or chief Officer of the Militia, in every County, shall list all free Male Persons, above the Age of One and Twenty Years, within this Colony, under the Command of such Captains as he shall think fit.

Persons exempted from personal Attendance.

III. *PROVIDED always,* That nothing herein contained, shall be construed to compel any Persons herein after-mentioned, to a personal Attendance at Musters: That is to say, Such as are, or shall have been, Members of His Majesty's Council, Speaker of the House of Burgesses, Secretary, Receiver-General, Auditor, Judge of the Court of Vice-Admiralty, Attorney-General, Clerk of the Council, Clerk of the House of Burgesses, Clerk of the Secretary's Office, a Justice of the Peace, Clerk of any County Court, or any Person that shall have borne any Military Commission as high as that of a Captain, or any of the People commonly called *Quakers*: Yet all the Persons aforesaid, shall, and are hereby required, to send one able-bodied Man, not being a Convict, or Man and Horse, armed and accoutred, according to the Directions of this Act, constantly to appear, and exercise at Musters.

A. D. 1738.

From being listed.

IV. *PROVIDED also*, That nothing herein contained, shall impower or enable any Colonel, or Chief Officer of the Militia, to list or cause to be listed, any of the Ministers of the Church of *England*, the President, Masters, or Professors, and Students of the College of *William* and *Mary*, during the Time of their being such, any Overseers residing on the Plantation where the Slaves under their Care are worked, all Millers, having the Charge and Keeping of any Mill, nor the Founders, Keepers, or other Persons employed in or about any Iron, Copper, or Lead Work, or any other Mine, during the Time of their being so employed; who are hereby exempted from being any ways concerned in the Militia.

How the Militia shall be armed.

V. *AND be it further Enacted, by the Authority aforesaid*, That every Person so as aforesaid listed, (except free Mulattoes, Negroes and *Indians*) and placed or ranked in Horse or Foot, shall be armed and accoutred in Manner following: That is to say, Every Horse-man shall be furnished with a serviceable Horse, a good Saddle, with Brest-plate, Crupper, Curb-Bridle, Carbine or Fuzee, and Bucket, Holsters, a Case of Pistols, cutting Sword or Cutlass, double Cartouch-Box, and Six Charges of Powder; and constantly appear with the same, at the Time and Place appointed for Muster and Exercise; and shall keep at his Place of Abode, One Pound of Powder, and Four Pounds of Ball, and bring the same into the Field with him, when thereunto required. And every Footman shall be furnished with a Firelock, Musket, or Fuzee, well fixed, a Bayonet fitted to the same, or a cutting Sword or Cutlass, a Cartouch-Box, and Three Charges of Powder; and appear with the same at the Time and Place appointed for Muster and Exercise, as aforesaid; and shall also keep at his House, One Pound of Powder, and Four Pounds of Ball; and bring the same into the Field, when he shall be required.

Mulattoes, &c. not to bear Arms.

VI. *AND be it further Enacted*, That all such free Mulattoes, Negroes, or *Indians*, as are or shall be listed, as aforesaid, shall appear without Arms; and may be employed as Drummers, Trumpeters, or Pioneers, or in such other servile Labour, as they shall be directed to perform.

Duty of Officers, and Punishment of disobedient Soldiers.

VII. AND, for the better Training and Exercising the Militia, and rendering them more serviceable, *Be it further Enacted*, That every Captain shall, once in Three Months, or oftner if required, muster, train, and exercise his Troop or Company: And the County Lieutenant, Colonel, or chief Commanding Officer, in every County, shall cause a general Muster and Exercise of all the Troops and Companies within his County, to be made in the Month of *September*, every Year. And if any Soldier, during the Time he is in Arms at a general Muster, shall refuse to perform the Commands of his Officer, or behave himself refractorily or mutinously, it shall and may be lawful, to and for the chief commanding Officer, then present, to cause such Offender to be tied Neck and Heels, for any Time not exceeding five Minutes: And for a second Offence, at such general Muster, the Offender shall be punished by the Sentence of the Majority of the Field-Officers and Captains, then present; who are hereby impowered, by a Warrant under their Hands, to commit the Offender to the County Goal, there to remain for any Time not exceeding Ten Days. And if any Soldier, during the Time he is in Arms, at any private Muster, shall misbehave, as aforesaid, such Offender shall be punished by any Field-Officer, then present; or, in case there be no such Field-Officer, then by the Sentence of a Majority of the Commission-Officers, then present; which Field-Officer, or, in his Absence, the Majority of the Commission-Officers, are hereby impowered to cause such Offender to be tied Neck and Heels, for any Time, not exceeding Five Minutes, for the first Offence; and for the second Offence, the Majority of the Commission-Officers, then present, are hereby impowered, by Warrant under their Hands, to commit such Offender to the County-Goal, there to remain for any Time not exceeding Ten Days. And in either Case, of Commitment

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to the County-Goal, the Offender so committed, shall not be thence discharged, until the lawful Fees for Commitment, Imprisonment, and Discharge, be fully satisfied and paid. And that every Captain, and, in his Absence, the Lieutenant, shall duly make a List of all the Persons upon his Muster-Roll, who shall be summoned, and do not appear at any of the said Musters, armed and accoutred, as by this Act is directed; and return the same, with the Names of all Officers who shall be absent, to the Court-Martial, to which he belongs. And every Captain shall have Power to appoint a Clerk, to his Troop or Company, who shall keep the Muster-Rolls, and attend all Musters with the same; and such Clerk shall be exempted from appearing in Arms, at all such Musters. *A. D.* 1738.

VIII. AND further, it shall and may be lawful, for the chief Officer of the Militia, in every County, to order all Persons listed therein, to go armed to their respective Parish Churches; and some Time before the Tenth of *June*, Yearly, to appoint an Officer, and Four Men, of the Militia, at such Times and Seasons as he shall think proper, to patrol, and visit all Negroe-Quarters, and other Places suspected of entertaining unlawful Assemblies of Slaves, Servants, or other disorderly Persons. And such Patrollers shall have full Power and Authority, to take up any such Slaves, Servants, or disorderly Persons, so as aforesaid unlawfully assembled, or any other, strolling about from one Plantation to another, without a Pass from his or her Master, Mistress, or Overseer, and to carry them before the next Justice of the Peace; who is to order every such Slave, Servant, Stroller, or other disorderly Person, as aforesaid, to receive any Number of Lashes, not exceeding Twenty, on his or her bare Back, well laid on: And in case one Company of Patrollers shall not be sufficient, to order more Companies, consisting of the same Number. And such Patrollers shall be exempted from Attendance at private Musters, and from the Payment of all Public, County, and Parish Levies, for their own Persons, for those Years in which they shall be employed in that Service.

Provision for going armed to Church, & appointing Patrollers.

IX. *AND be it further Enacted*, That it shall and may be lawful, for the Field-Officers, and Captains of every County, or the major Part of them, whereof the County Lieutenant, Colonel, Lieutenant-Colonel, or Major, shall be one, and they are hereby required to meet at the Court-house of their Counties, respectively, on the Day next following the General Muster, then and there to hold a Court-Martial; which said Court shall have Power to adjourn from Day to Day, and to enquire of the Age and Abilities of all Persons listed, and to exempt such as they shall judge incapable of Service; and of all Delinquents returned by the Captains, for Absence from Musters, or appearing without Arms and Accoutrements; and to order the Fines inflicted by this Act, and not otherwise directed, to be levied upon all Delinquents, who shall not make out some just Excuse for not performing their Duty; and to order and dispose of all such Fines, in the first Place, for buying Drums, Trumpets, and Trophies, for the Use of the Troop or Company from whence the same arise; and afterwards, for supplying the Militia with Arms. And the said Court shall have full Power, and are hereby required, to keep a Register of all their Proceedings; and for that Purpose to appoint a Clerk; and to allow him such Salary for his Service, out of the said Fines, as they in their Discretion shall think reasonable. And after the holding of every such Court, the Clerk shall make out Copies of all their Orders, and deliver the same within One Month next following the said Court, to the Sheriff of the County; who is hereby impowered and required to demand and receive the Money or Tobacco therein charged, of the Persons made chargeable therewith; and in case of Non-payment, on or before the Tenth Day of *April* next following, to levy the same by Distress, and Sale of the Goods of the Party refusing, according to the Directions of the Laws now in Force, enabling the Sale of Goods distrained for Rent.

A Court-Martial to be held for fining Delinquents.

X. AND, for Settling the Fines to be inflicted upon all Persons who shall fail to do their Duty, in any Thing required to be done by this Act, and on all other

The Fines settled.

A. D. 1738. other Delinquents punishable hereby, *Be it further Enacted, by the Authority aforesaid,* That the several Persons herein after-mentioned, for such Failure, shall forfeit and pay the Sums following, respectively: That is to say, The Lieutenant of any County, or, in case of his Absence from, or Non-Residence in the County, the chief commanding Officer, there residing, failing to appoint a General Muster, in the Month of *September*, Yearly, shall pay Ten Pounds, for every Failure: To be recovered, with Costs, by Action of Debt, or Information, in any Court of Record, in this Colony; one Moiety to our Sovereign Lord the King, his Heirs and Successors, for and towards the better supplying the County with Arms; and the other Moiety to the Informer, to his own proper Use. Every Colonel, Lieutenant-Colonel, or Major, failing to appear at such General Muster, or Court, shall pay Forty Shillings. Every Captain, who shall fail to muster and exercise his Troop or Company, Four Times a Year, shall pay Twelve Shillings, for every Failure. And every Captain failing to appear at the Court-Martial, or General Muster, shall pay Twenty Shillings for every Failure. And every Lieutenant who fails to appear at Muster, shall pay Ten Shillings for every Failure. And every Cornet, or Ensign, Seven Shillings and Six Pence. And every Captain, or in his Absence, the next commanding Officer, failing to return a List of the Persons who shall not appear at Musters, or shall appear without his Arms or Accoutrements, shall pay Fifty Shillings. Every Soldier refusing to serve as a Serjeant, Corporal, Drummer, or Trumpeter, being thereto appointed by his Captain, shall pay Fifty Shillings, or Five Hundred Pounds of Tobacco, at his Election; but such Person shall be fined but once for such Refusal. Every Person listed to serve in the Horse, shall pay Seven Shillings and Six Pence, or Seventy Five Pounds of Tobacco: And every Person listed in the Foot, shall pay Five Shillings, or Fifty Pounds of Tobacco, at their Election, for not appearing at Muster, compleatly armed and accoutred; so that no Person be fined above Five Times a Year, for such Failure. And every Clerk of a Court-Martial failing to deliver the Orders of the Court to the Sheriff of the County, within the Time herein before limited, shall forfeit all the Salary or Allowance for his Service, as Clerk, for that Year.

18 Months allowed for providing Arms.

XI. *PROVIDED always, and be it Enacted,* That Eighteen Months Time be given and allowed to each Soldier to furnish and provide himself with Arms and Ammunition, according to this Act: And that no Soldier be fined for appearing without, or not having the same at his Place of Abode, until he hath been listed Eighteen Months, after the passing of this Act. Any thing in this Act to the contrary, or seeming to the contrary, in any-wise, notwithstanding, so as every Soldier, during the said Eighteen Months, do appear at all Musters, with such Arms as he is already furnished with.

Arms exempted from Seisures and Distresses.

XII. AND, for Encouragement to every Soldier to provide and furnish himself, according to the Directions of this Act, and his Security to keep his Arms and Ammunition, when provided, *Be it Enacted, by the Authority aforesaid,* That the Furniture, Arms, and Ammunition, provided and kept, in Pursuance of this Act, be free and exempted, at all Times, from being impressed, upon any Account whatsoever; and likewise from being seised or taken by any Manner of Distress, Attachment, or Writ of Execution. And that every Distress, Seisure, or Execution, made or served upon any of the Premises, be unlawful and void: And that the Officer or Person that presumes to make or serve the same, be liable to the Suit of the Party grieved; wherein double Damages shall be given, upon a Recovery.

Other Defaults finable.

XIII. *AND be it further Enacted,* That every Person exempted from personal Appearance only, failing to send an able-bodied Man, or Man and Horse, as the Case shall be, in his Room, to be trained and exercised, shall pay the same Fine as is herein before inflicted for not appearing at Musters. And every Person ordered to go to Church armed, failing to do his Duty therein, shall pay Five Shillings. And every Person ordered to patrol, and failing so to do,

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(to be certified to the Court-Martial, by the Officer of ſuch Patrol) ſhall pay Ten Shillings, for every Failure. And every Perſon going to, attending at, or returning from Muſter, ſhall be privileged and exempted from Arreſts, and being ſerved with any other Proceſs, in any Civil Action or Suit. *A. D.* 1738.

XIV. *AND be it further Enacted, by the Authority aforeſaid,* That if any exempted Overſeer, or Miller, ſhall preſume to appear at any Muſter, or in any Muſter Field whatſoever, on the Day on which ſuch Muſter ſhall be appointed; the Party ſo offending, ſhall, for every ſuch Offence, forfeit and pay Ten Shillings, or One Hundred Pounds of Tobacco; to be aſſeſſed upon him by the next Court-Martial, upon Certificate of the Offence to them made, by the Captain, or chief Officer, preſent at ſuch Muſter; and levied, accounted for, and appropriated, in the ſame Manner, as the other Fines ordered by the Court-Martial. Exempted Overſeers or Millers not to appear at Muſters.

XV. *AND be it further Enacted,* That if any Sheriff ſhall refuſe to receive the Orders of any Court-Martial offered to him, by Virtue of this Act, or to collect and levy the Fines therein mentioned; ſuch Sheriff, upon a Motion and Complaint thereof made to the County Court, or General Court, ſhall be fined, for ſuch Refuſal, Fifty Pounds Current Money: to be appropriated, in the ſame Manner, as the other Fines laſt mentioned. And if any Sheriff, taking upon him ſuch Collection, or receiving the ſaid Orders, ſhall fail to account for, and pay what he ſhall have received, by Virtue thereof, to the Receiver, to be appointed for that Purpoſe, by the Court-Martial, deducting Ten *per Cent.* only for his Trouble in Collecting and Receiving; upon a Motion or Complaint made againſt him, by the ſaid Receiver, or the commanding Officer of the Militia, to the County Court, or General Court; ſuch Court ſhall give Judgment, and award Execution againſt him, for the ſame. Sheriff refuſing to receive the Orders of the Court-Martial, or failing to account.

XVI. *AND be it further Enacted,* That every Commiſſion Officer in the Militia, ſhall, before he acts under, or executes any ſuch Commiſſion, in the Court of his County, take the Oaths appointed by Law to be taken, inſtead of the Oaths of Allegiance and Supremacy, the Abjuration Oath, and ſubſcribe the ſame, with the Teſt: And that every County Lieutenant, Colonel, Lieutenant-Colonel, Major, and Captain, at the Time of their holding every Court-Martial, ſhall, before they hold the ſame, take the following Oath; which ſhall be firſt taken by the preſiding Officer then preſent, and by him adminiſtred to the reſt of the Officers: *To wit,* Oaths to be taken by Commiſſion Officers.

I A. B. *do ſwear, That I will do equal Right and Juſtice to all Men, according to the Act of Aſſembly,* for the better Regulation of the Militia.

XVII. *AND be it further Enacted,* That the Adjutant-General, for the Time being, with one Servant, and their Horſes, ſhall be exempted from the Payment of Ferriages at all Publick and other Ferries, within this Colony: And that the reſpective Ferry-keepers ſhall give him, and his Servant, and Horſes, immediate Paſſage at all ſuch Ferries, as in the Caſe of Public Expreſſes. Any Law, or Cuſtom, to the contrary, notwithſtanding. Adjutant-General, *&c.* Ferry free.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That all and every other Act and Acts, and every Clauſe and Article therein contained, *For the Settlement and Regulation of the Militia*; or any other Matter or Thing, within the Purview of this Act, ſhall be, and is hereby repealed and made void, to all Intents and Purpoſes whatſoever. Repeal of other Acts.

XIX. *PROVIDED always,* That nothing in this Act contained, ſhall extend, or be conſtrued to extend to the Inhabitants of the City of *Williamſburg*, ſo as to oblige them to muſter, or ſerve in the Militia, out of the ſaid City: This Act not to extend to *Williamſburg.*

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A. D. 1738. But that such Inhabitants shall be listed and trained, in Manner as is directed by one Act of Assembly, made in the Ninth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act, for enlarging the Jurisdiction of the Court of Hustings in the City of* Williamsburg, *within the Limits thereof.* Any thing in this Act, to the contrary, or seeming to the contrary, in any-wise, notwithstanding.

Expired. Chap. 3. *An Act for reviving the Act for making more effectual Provision against Invasions and Insurrections.*

Ch. 13, 1748. 4. *An Act for altering the Method of Trial of certain Criminals therein mentioned.* REP.

Expired. 5. *An Act for continuing and amending an Act,* intituled, *An Act for laying a Duty on Liquors.*

CHAP. VI.

An Act for amending and further continuing an Act, intituled, *An Act for laying a Duty upon Slaves.*

Preamble.

I. WHEREAS, the Duty upon Slaves imported, as the same is laid, by one Act of Assembly made in the Fifth and Sixth Years of His Majesty's Reign, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers*; which said Act was continued by one other Act, made in the Eighth Year of his Majesty's Reign, hath been found, by Experience, to be an easy Expedient for raising a Revenue towards the lessening of a Poll Tax, always grievous to the People of this Colony, and is noways burthensome to the Traders in Slaves. And whereas, the Method of Collecting the said Duty upon Slaves, prescribed by the said first recited Act; and by one other Act, made in the Tenth Year of His Majesty's Reign, intituled, *An Act for laying a Duty upon Liquors imported by Land; and better Securing the Duty upon Slaves; and for other Purposes therein mentioned*; hath proved very inconvenient, and given great Opportunities for Frauds: Therefore, for Amending and further Continuing the said first recited Act:

Seller of Slaves to receive the Duty.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That every Importer of Slaves into this Colony, either by Land or Water, for Sale, if such Importer shall sell the same himself; or if such Slave shall be consigned to any other Person, than the Person or Persons who shall take upon him or them, the Sale and Disposal of such Slaves, shall be; and he, and they, are hereby appointed Collector and Collectors of the said Duty, upon the Slaves so imported and sold by him or them, respectively: And upon all other Slaves, in Case such Importation shall be by Water, that shall be imported in the same Ship or Vessel, belonging to the Master, or other Officer, commonly called privileged Slaves: And every Buyer or Purchaser of any Slave or Slaves so imported, shall, upon the Sale and Delivery of such Slave, or Slaves, pay down the Duty, mentioned in the said first recited Act, to such Collector or Collectors; or give his Promissory Note, for Payment of the same, within Forty Days after the Time of such Sale and Delivery. And in Case any Slave or Slaves, for which the Duty shall be so paid, or secured to be paid, as aforesaid, shall happen to die within the said Forty Days, and the Buyer or Purchaser shall make Oath thereof, before some Justice of the Peace, it shall and may be lawful for the said Collector or Collectors; and he and they are hereby impowered and directed, upon producing

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A. D. 1738.

and delivering a Certificate of ſuch Oath to him or them, to refund and pay back to the Buyer or Purchaſer, the ſaid Duty, if the ſame ſhall have been paid; or deliver up the Promiſſory Note given, for the Payment thereof, as the Caſe may be. And if any Importer of Slaves, or other Perſon or Perſons taking upon him or them the Sale and Diſpoſal of Slaves as aforeſaid, ſhall neglect or refuſe to receive the ſaid Duty, or take Notes for the Payment thereof, as herein before is mentioned; every ſuch Perſon and Perſons ſhall be, and is, and are hereby made chargeable with the Payment of the ſaid Duty, in the ſame Manner, as the Buyer or Purchaſer is made chargeable by the ſaid firſt recited Act, or by this Act.

Seller, not being an Inhabitant, Duty to be paid to the Naval Officer.

III. *PROVIDED always*, That if any Importer of Slaves, or other Perſon or Perſons taking upon him or them, the Sale and Diſpoſal of Slaves ſo imported, ſhall not be an Inhabitant or Inhabitants of this Colony; in ſuch Caſe, the Buyers and Purchaſers of any Slave or Slaves ſo imported, ſhall pay the Duty aforeſaid, to the Naval Officer of the Diſtrict where the Ship or Veſſel, in which ſuch Slave ſhall be imported, ſhall enter, in Caſe the ſame ſhall be imported by Water: And if ſuch Slaves ſhall be imported by Land, then to the Naval Officer who ſhall live neareſt to the Place where ſuch Slaves ſhall be ſold, in the Manner preſcribed by the ſaid firſt recited Act, and the ſaid Act made in the Tenth Year of His Majeſty's Reign; and ſuch Naval Officer is hereby appointed Collector of the ſaid Duty accordingly.

Collectors to account, &c.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every the Collector and Collectors of the Duty aforeſaid, appointed by this Act, ſhall account for the ſaid Duties, in the ſame Manner as the Collectors of the ſaid Duties are directed to account, by the ſaid firſt recited Act, and the ſaid Act, made in the Tenth Year of His Majeſty's Reign; and ſhall have and receive the Salary of Six Pounds in the Hundred: And ſuch Collector or Collectors, if he or they have had the Sale and Diſpoſal of any Slave or Slaves, ſhall, at the Time of ſuch Accounting, deliver to the Treaſurer of the Duties upon Liquors and Slaves, upon Oath, a true Manifeſt or Account of all the Slaves by him or them ſold, the Name and Place of Abode of every Perſon buying the ſame, the reſpective Prices at which each Slave was ſold, and how many of the ſaid Slaves, if any, remain then unſold; and alſo, a true Account of the Names of ſuch Buyers who have paid the Duty, and the Sums received from each Perſon reſpectively; together with a Liſt of ſuch Perſons, if any, whoſe Promiſſory Notes ſhall be then due and unpaid; and ſhall then deliver to the Treaſurer all ſuch Notes as ſhall be then due, and payable; and ſhall have and receive the ſame Salary upon ſuch Notes, as if the Money was actually paid into the Treaſury: And in Caſe any ſuch Note or Notes ſhall remain unpaid and unſatisfied, after the Time in which the ſame ought to have been paid and diſcharged, the Perſon or Perſons ſigning ſuch Note or Notes, ſhall forfeit treble the Sum for which ſuch Note or Notes ſhall be given. And the ſaid Penalty ſhall and may be ſued for in the General Court, altho' the ſame ſhall not amount to Ten Pounds *Sterling*; and the Treaſurer of the ſaid Duty, for the Time being, ſhall and may commence and proſecute any Action, or Information, *qui tam*, for Recovery thereof; in which Action or Information, no Act, or Time of Limitation ſhall be a Bar; and the Money recovered, ſhall be accounted for, and paid into the Treaſury.

V. *PROVIDED always*, That it ſhall and may be lawful, for the Treaſurer to compound the ſaid Penalty, either before or after Action brought.

VI. *And be it further Enacted*, That ſo much of One Clauſe of the ſaid firſt recited Act of Aſſembly, that impoſes a Penalty of Five Pounds upon every Buyer of a Slave, who ſhall not pay the Duty, and give an Account of the Slave or Slaves by him purchaſed, to the Collector of the ſaid Duty, according to the Directions of the ſaid Act; except as to ſuch Buyers who ſhall purchaſe any Slave or Slaves of any Perſon not being an Inhabitant of this Colony, be, and is hereby repealed; but the ſame, as to ſuch laſt mentioned Buyers, ſhall be ſtill in Force:

And

A. D. 1738. And the said first recited Act of Assembly, made in the Fifth and Sixth Years of His Majesty's Reign, and the said Act made in the Tenth Year of his Majesty's Reign, so far as the same concerns the said Duty upon Slaves, for so much of the said Acts as are not repealed or altered by this Act, shall continue, and be in force, from and after the First Day of *July*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Forty, for and during the Term of Four Years from thence next following, and no longer: And that so much of the said Acts as are contrary to any thing contained in this Act, shall be, and is hereby repealed, and made void.

Ch. 28, & 29, 1748. Chap. 7. *An Act, for Amending the Act,* intituled, *An Act, For Making, Clearing, and Repairing the Highways; and for Clearing the Rivers and Creeks; and for making more effectual Provision for the Keeping Mill-Dams in good Repair.* REP.

Ch. 21, 1748. 8. *An Act, for Amending the Act,* intituled, *An Act, Concerning Tithables.* REP.

Ch. 10, & 12, 1748. 9. *An Act, To restrain Sheriffs, and other Officers, from making unreasonable Seisures and Distresses; and for other Purposes therein mentioned.* REP.

Expired. 10. *An Act, For the better Regulating and Collecting certain Officers Fees; and other Purposes therein mentioned.*

CHAP. XI.

See Ch. 9, 1745. *An Act, For Licencing Pedlars; and preventing Frauds in the Duties upon Skins and Furs.*

Preamble. I. WHEREAS, divers vagrant and idle People are frequently found travelling about the Country, under the Name of Pedlars; and great Frauds and Abuses are committed and carried on by such Persons, particularly in the Exportation of Skins and Furs, without paying Duty: For Remedy whereof;

Pedlars to be licensed. II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the First Day of *May* next, it shall not be lawful, for any Pedlar, or other Person going from Place to Place, or to other Mens, Houses, and carrying to sell, or exposing to Sale, any Goods, Wares, or Merchandizes; to sell or dispose of, by Way of Barter or Exchange, or in any other Manner, any such Goods, Wares, or Merchandizes, without a Licence for so doing, to be obtained in the following Manner: That is to say, If such Pedlar, or other Person, be an Inhabitant of this Colony, such Licence shall be granted by the Court of the County where his Habitation or usual Place of Residence is: And if he be an Inhabitant of another Country, such Licence shall be granted by the Court of that County into which such Pedlar, or other Person shall first come, upon his Arrival into this Colony: Which Licence, the said County Courts are hereby respectively impowered to grant, or refuse, at their Discretion. And every Licence so granted, shall be signed by the Clerk of the Court granting the same.

A. D. 1738.

III. *PROVIDED always*, That no such Licence shall be granted for a longer Term than One Year at a Time: And that the Person to whom the same is granted, shall first enter into Bond, with one good and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of Twenty Pounds, with Condition, that he will not export, or cause to be exported, with his Privity or Knowledge, any Skins or Furs, either by Land or Water, without first paying the Duties imposed on such Skins and Furs, by one Act of Assembly, made in the Fourth Year of the Reign of the late Queen *Anne*: Which said Bond shall be lodged in the Clerk's Office of the County where the same shall be given. The Manner of obtaining it.

IV. *PROVIDED also*, That before any such Licence shall be granted, there shall be paid down, by the Person desiring the same, the Sum of Ten Shillings, for the Use of the Governor, or Commander in Chief of this Colony, for the Time being; and the further Sum of Five Shillings to the Clerk, for writing the Bond and License aforesaid, and no other Fee whatsoever. And for encouraging Prosecutions for the Breach of any such Bond, The Fees for the same.

V. *BE it further Enacted*, That one Moiety of the Penalty shall be to the Use of his Majesty, his Heirs and Successors, for the better Support of the College of *William* and *Mary*, in *Virginia*; and the other Moiety to any Person or Persons that will make Information of any such Breach: To be recovered, in the Name of His Majesty, his Heirs and Successors, by Action of Debt, in any Court of Record within this Dominion. And that the Clerk of every County Court shall, in the Months of *April* and *October*, Yearly, transmit to the Secretary's Office, a List of all Bonds entered into, in Pursuance of this Act; and of all Recoveries or Judgments had or given on Seisures, or for Breach of such Bonds, if any shall happen to be. Penalty appropriated. Lists of Bonds &c. to be transmitted.

VI. *AND be it further Enacted, by the Authority aforesaid*, That if any Pedlar, or other Person, as aforesaid, after the said First Day of *May*, be found Travelling and Trading, without such License, as herein before is mentioned; such Person shall forfeit and pay, for every several Dealing or Trading, the Sum of Twenty Shillings, to the Use of the Informer: To be recovered, with Costs, before any Justice of the Peace of this Colony. And in case such Person, after Conviction, shall refuse or delay to make present Payment of the said Penalty and Costs, either in Money, or Goods, to the Value, in the Judgment of the Justice before whom the Conviction shall be; it shall and may be lawful for such Justice to order the Person so convicted, Twenty Lashes on his bare Back, well laid on: And he shall be from thenceforth discharged from the Payment of the said Penalty, for that Time. And in case any Pedlar, or other Person, trading as aforesaid, upon Demand made by any Inhabitant of this Colony, shall refuse to produce and shew his License, the Person so refusing, shall for every such Refusal, forfeit and pay Five Shillings to the Informer: To be recovered before any Justice of the Peace. Penalty on trading without License.

VII. *AND be it further Enacted, by the Authority aforesaid*, That the Governor, or Commander in Chief of this Colony, for the Time being, with the Advice of the Council, shall and may appoint one or more Collector or Collectors of the Duties upon Skins and Furs, exported by Land, who shall reside near the Frontiers of this Colony; which Collectors shall have and be allowed a Salary of Ten in the Hundred, for Receiving the said Duties; and shall account for the same, in such Manner as other Collectors of the said Duties are obliged to account. And in case any Pedlar, or other Person, shall be found travelling towards any other of His Majesty's Colonies with any Skins or Furs, beyond the Place where such Collector or Collectors usually reside; and upon Demand made by any Inhabitant of this Colony, shall refuse to produce and shew a Certificate, that the Duties of the said Skins and Furs have been paid, Collectors to be appointed. Skins and Furs may be seised.

A. D. 1738.

such Skins and Furs shall and may be seised by any Person or Persons; and the Person or Persons seising the same, shall immediately carry them to the next Justice of the Peace, who is hereby impowered and required to receive the same. And in case the Owner or Proprietor of the said Skins and Furs, shall not, within Two Months after such Seisure, make sufficient Proof before such Justice, or before the Court of the County where such Seisure shall be made, that he has paid the Duties for such Skins and Furs, the same are hereby declared to be forfeited; and shall and may be sold, by order of the said County Court, to the highest Bidder: And one Half of the Money arising by such Sale, after Charges deducted, shall be to the Use of His Majesty, his Heirs and Successors, for and towards the better Support of the said College of *William* and *Mary*; and the other Half to the Person who shall seise the same. And in Case the Owner or Proprietor of such Skins or Furs, as aforesaid, shall, within the Time aforesaid, make due Proof, before the said Justice, or Court, that the Duties for the same have been duly paid; the said Justice shall, and is hereby required to deliver back the said Skins and Furs to the said Owner or Proprietor, upon paying down the Sum of Ten Shillings to the Person who shall seise the same, as aforesaid.

Not to extend to Traders in Beef or Pork.

VIII. *PROVIDED nevertheless*, that nothing in this Act contained, shall extend, or be construed to extend, to any Inhabitant of this Colony, trading only in Beef or Pork, or carrying any Goods or Commodities of the Growth or Manufacture of this Colony, to any Place or Places, for selling the same: But that every such Inhabitant may carry and sell such Goods or Commodities, in the same Manner as he might have done, if this Act had never been made.

Private.

Chap. 12. *An Act to encourage Settlements on the* Southern *Boundary of this Colony.*

Ch. 7, 1748.

13. *An Act, Declaring the Law concerning Attachments: And Altering the Court Days, in the Counties of* Accomack, *and* Amelia. REP.

CHAP. XIV.

An Act, For the better Preservation of the Breed of Deer; and preventing unlawful Hunting.

Preamble.

I. WHEREAS, the Laws heretofore made, *For Preserving the Breed of Deer*, have not had the desired Effect, many disorderly Persons making a Practice of killing them merely for the Sake of the Skins, whilst they are feeding on the Moss growing on the Rocks in the Rivers, leaving the Flesh to rot; whereby Wolves, and other noxious Beasts, are brought down among the Stocks of Cattle, Hogs, and Sheep, of the upper Inhabitants to their great Annoyance and Damage. And whereas, the keeping of Hounds going at large, is found destructive to the Breed of Deer, by killing not only the Does, while they are big with young, but also the Fawns, after they are fallen: And it is also found by Experience, that the making large Circles, and setting the same on Fire, round the Coverts where the Deer usually lodge, commonly called Fire-hunting, is not only destructive to the Breed of Deer, but also to the young Timber, and Food of the Cattle. For Remedy of which Mischiefs;

Time limited for killing Deer.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That from and after the passing of this Act, it shall not be lawful for any Person whatsoever, to hunt, shoot, or kill, any Buck, between the First Day

Day of *December*, and the Last Day of *July*, which shall be in any Year; nor to hunt, shoot, or kill, any Doe, or Fawn, between the First Day of *January*, and the Last Day of *September*, in any Year. And if any Person whatsoever shall presume to hunt, shoot, or kill, or destroy, any such Bucks, Doe, or Fawn, running wild in the Woods, within the Times herein before respectively limited; or shall buy or receive the same of any *Indian*, or other Person; every such Person so offending, shall forfeit and pay the Sum of Twenty Shillings Current Money, for every Buck, Doe, or Fawn, so killed, bought, or received; recoverable before any Justice of the Peace in the County where such Offence shall be committed, upon Conviction, by the Oath of one sufficient Witness, or on Confession of the Party. And if any Servant or Slave, by Command of his or her Master, Mistress, or Overseer, shall so hunt, shoot, or kill, or buy or receive any Deer so killed; the Party giving such Command, shall be liable to the like Penalties respectively: And if such Servant or Slave cannot prove such Command, he or they shall receive, by Order of such Justice of the Peace, for every such Offence, Twenty Lashes on his bare Back, well laid on; unless Security be given for Payment of the Fine within Six Months after such Conviction. *A. D.* 1738.

III. *PROVIDED always*, That it shall and may be lawful, to and for any Freeholder or House-keeper to kill any kind of Deer in his Corn Fields, or other inclosed Grounds, where Wheat, Pease, or other Grain is growing, without being liable to any Penalty for so doing. Proviso.

IV. *PROVIDED also*, That nothing in this Act contained, shall extend, or be construed to extend, to any Person living, or being upon the Frontiers of this Colony, who shall kill any Deer for Food, for the necessary Subsistence of himself or Family; so as such Person do not sell or dispose of the Skin of any Deer so killed: And in Case any Person shall be prosecuted for killing Deer within the Time prohibited by this Act, and such Person shall alledge, that he killed such Deer for Food, for the necessary Subsistence of himself or Family, the *Onus probandi* shall lie on the Person so prosecuted. May be killed for necessary Food.

V. *AND be it further Enacted, by the Authority aforesaid*, That if any Person whatsoever shall buy or receive into his or her House, any Deer Skin or Skins, which shall have been killed within the Time herein before limited, and are commonly called or known by the Name of Red Skins; he or she so offending, and being thereof lawfully convicted before a Justice of the Peace, in Manner aforesaid, shall forfeit and pay Ten Shillings Current Money, for every Skin so bought or received. And for the further preventing the buying and receiving such Red Skins, Penalty on buying Red Skins.

VI. *BE it Enacted, by the Authority aforesaid*, That every Constable, within this Dominion, shall have full Power and Authority, by Virtue of this Act, to search in all suspected Places, for all Red Skins of any Deer killed, contrary to the Directions hereof, and to bring the same before some Justice of the Peace of the County where the Offender resides: And if such Offender shall not make Poof, that such Skin was taken from a Deer killed within his or her inclosed Grounds, tended, as aforesaid; such Justice shall immediately give Judgment against the Offender, for the Penalty aforesaid. Constables may search for them.

VII. *AND be it further Enacted, by the Authority aforesaid*, That it shall not be lawful, for any Person to keep any Beagles or Hounds running at large; but such Beagles or Hounds shall be constantly kept in Kennels, or Couples, or with Clogs, except at such Times as they are used in hunting, by the Owner, or his Servants, under the Penalty of Five Shillings, for every Beagle or Hound, so going at large. Hounds not to run at large.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That whosoever shall, hereafter, use any Fire-hunting, or the killing of any Deer by such Penalty for Fire-hunting.

A. D. 1738. Means on any patented Land; every Person present at such Fire-hunting, shall forfeit and pay Twenty Shillings for every such Offence: And if any *Indian* be found Fire-hunting, as aforesaid, it shall and may be lawful, for the Owner of such Land, or his or her Overseer, to take away the Gun of such *Indian*, and the same to keep to his own Use.

No Person to hunt on another's Land.

IX. *AND be it further Enacted, by the Authority aforesaid*, That if any Person shall presume to hunt or range on the patented Lands of any other Freeholder, without the Leave of the Owner of such Lands; every such Offender shall forfeit and pay the Sum of Twenty Shillings for every such Offence: All which Penalties herein before mentioned, shall and may be recovered before any Justice of the Peace, in the County where any of the Offences aforesaid shall be committed; and shall be divided: One Half to and for the Use of the Parish where the Offender shall reside; and the other Half to the Person or Persons who will inform for the same. And every Justice of the Peace, before whom Information shall be made of any the Offences aforesaid, shall take for Evidence, the Confession of the Party accused, or the Oath of one credible Witness. And where the Owner of any Land shall prosecute for any unlawful Hunting and Ranging on his Lands, the Oath of such Owner shall be sufficient Evidence to convict the Offender; but in that Case, the whole Penalty shall go to the Parish.

Constables to be sworn to present.

X. *AND be it further Enacted, by the Authority aforesaid*, That every County Court within this Dominion, shall, Yearly, in the Month of *January*, or the next succeeding Court, administer to every Constable within their rspective Counties, an Oath, well and truly to present to the next Justice of the Peace, all Offences against this Act: And every Justice, to whom such Presentment or Information shall be made, shall immediately issue his Warrant for the bringing before him such Offender; and to give Judgment, and award Execution against the Goods and Chattles of such Offender, for the Penalties herein before inflicted, respectively.

Repealing Clause.

XI. *AND be it further Enacted*, That One Act, made at a Session of Assembly, held at the Capitol the Twenty Second Day of *August*, One Thousand Seven Hundred and Thirty Four, intituled, *An Act, For lessening the Penalties for killing Deer at unseasonable Times, and for the better Recovery thoreof*; and all and every other Act and Acts heretofore made, so far as the same relate to any Matter or Thing within the Purview of this Act, be, and are hereby repealed, and made void.

Expired. Chap. 15. *An Act for appointing a Treasurer.*

Ch. 16, 1748. 16. *An Act for appointing several new Ferries; and discontinuing a former Ferry.* REP.

Expired. 17. *An Act for raising a Public Levy.*

Private. 18. *An Act for better Securing the Title of certain Lands, to the Feoffees of the Town of* York; *and for Settling the same, for a Common, for the Use of the Inhabitants of the said Town.*

CHAP.

CHAP. XIX.

An Act for the Relief of those Persons who were Sufferers in the Loss of the Records of the County of Nansemond, *whose Cases have not been already provided for.*

I. WHEREAS, it was Enacted, by one Clause of the Act, made at the last Session of the General Assembly, *For the Relief of certain Persons who were Sufferers in the Loss of the Records of the County of* Nansemond, that to the End, other Persons, who had not then been able to produce Witnesses before the Commissioners appointed by a Commission issued under the Great Seal of the Colony, pursuant to the Act of Assembly made in the Eighth Year of His Majesty's Reign, intituled, *An Act, for the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of* Nansemond *County, lately consumed by Fire,* in Relation to their Deeds and other Evidences, which may have been lost among the Records of the said County, one other or more Commissions should and might be issued and continued, by the Governor or Commander in Chief of this Colony, for the Time being, for Examining other Witnesses, and Perpetuating the Testimony thereof, in relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the last mentioned Act of Assembly, to be executed and returned, as in the said Act is directed. And whereas, pursuant thereto, a Commission hath issued, under the Great Seal of the Colony, bearing Date at *Williamsburg*, the Twenty Seventh Day of *October*, in the Tenth Year of His said Majesty's Reign, to *William Wright*, and Eleven Others, directed, who have made a Return of their Proceedings in the Premises, whereby it doth appear, that they have examined divers Witnesses to sundry Deeds, and other Matters; and that the several Deeds, and other Matters, mentioned in a Schedule to this Act annexed, have been well and sufficiently proved: Therefore, for making the same more effectual,

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from henceforth, the Proofs of the several Possessions, Purchases, Deeds, and Wills, in the said Schedule mentioned, shall and may be given in Evidence, in any Court of Law, or Equity; and shall avail for the Benefit and Advantage of all Persons claiming under them, as much as the same can or ought to avail. And to the End, that those Persons who have not yet been able to produce Witnesses before the said Commissioners, in relation to their Deeds and other Evidences, which have been lost among the Records of the said County, may be relieved,

III. *BE it further Enacted, by the Authority aforesaid,* That one other or more Commissions shall and may be issued and continued by the Governor, and Commander in Chief, of this Colony, for the Time being, for Examining other Witnesses, and Perpetuating the Testimony thereof, in relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the Act of Assembly made in the Eighth Year of His Majesty's Reign; to be executed and returned, as in the said Act is directed.

A SCHEDULE, containing the Proofs of several Deeds, and other Matters, made before certain Commissioners, by Virtue of a Commission, under the Seal of the Colony of *Virginia*, bearing Date the Twenty Seventh Day of *October*, in the Tenth Year of His Majesty's Reign, pursuant to an Act of Assembly in that Case made and provided.

William

A. D. 1738.

Anno 1675. *William Cadawgon*, by Deed proved and recorded, in *Nansemond* County Court sold and conveyed unto *John Brothers*, the Elder, a Parcel of Land, on the *South* Side of the *Western* Branch of *Nansemond* River, containing One Hundred Acres, or thereabouts; and the said *John Brothers*, by his Last Will and Testament, which was likewise proved and recorded in the said County Court, some Time in the Year 1692, gave the said Land to his Son *John Brothers*, and his Heirs, for ever: And the said *John Brothers*, the Son, dying without Will, leaving Three Children, who all died under the Age of Twenty One Years; the said Land descended and came to *Richard Brothers*, Grandson, and Heir at Law, to the said *John Brothers*, the Elder, who entered, and is now in peaceable Possession thereof.

1711. *John Cotten* sued out a Patent for a Parcel of Land, on the *South* Side of *Cedar* Swamp, in the County of *Nansemond*; and by Assignment on the Back of the said Patent, which was recorded in the Court of the said County of *Nansemond*, made over the said Land to *David Lewis*, deceased; and *David Lewis*, Son and Heir to the said *David*, is now in Possession thereof.

1718. *Robert Hooks*, by Deed of Gift, acknowledged and recorded, in the Court of the County of *Nansemond*, gave unto his Brother *John Hooks*, during his natural Life, and after his Decease, unto his Son *John Hooks*, the present Possessor thereof, a Parcel of Land, which he had formerly purchased of one *Thomas Altman*, lying on the *Cyprus* Swamp, near the Mouth of *Summerton* Creek, then in the County of *Nansemond*, but now in the Province of *North-Carolina*.

1726. *William Robinson*, by Indenture of Bargain and Sale, conveyed to *John Thomas*, who is now in Possession thereof, One Hundred Acres of Land, more or less, being the Moiety of Two Hundred Acres of Land granted to *Jonathan Robinson*, by Patent, some Time in the Year of our Lord 1703; which Land then lay in the Upper Parish of the County of *Nansemond*, but now in the Province of *North-Carolina*.

1728. *Sarah Meredith*, Widow and Executrix of *John Meredith*, late of *Elizabeth-City* County, deceased, by Deed, acknowledged and recorded in the Court of the County of *Nansemond*, conveyed unto *Joseph Meredith*, One Hundred and Ten Acres of Land, being Part of Four Hundred and Forty Acres of Land, formerly granted, by Patent, to *Sampson Meredith*, lying on the *Back* Swamp, at *Summerton*, in the said County of *Nansemond*; and, some Time in the Year 1732, the said *Joseph Meredith*, by his Deed, acknowledged and recorded in the said Court, sold and conveyed the said Land, to *Henry Copeland*, who is now in Possession thereof.

1730. *William Bridger*, by Deed of Lease and Release, proved and recorded in the Court of the County of *Nansemond*, conveyed unto *Thomas Davis*, a Piece of Land, containing Three Hundred Acres, more or less, lying in the Upper Parish of *Nansemond* County, on the *South* Side of the *Poplar* Swamp.

1732. *Isaac Carnal*, and *Catharine* his Wife, by Deed of Bargain and Sale, proved and recorded in the Court of the County of *Nansemond*, sold and conveyed unto *Abraham Carnal*, Jun. Two Hundred Acres of Land, more or less, lying on *Jaringan* Bridge Run, in the Upper Parish of *Nansemond* County, which Land formerly belonged to *Abraham Edwards*, Father of the said *Catharine*, and by him given to his said Daughter; and the said *Abraham Carnal* is now, and hath from the Time of the said Conveyance, been in peaceable Possession thereof.

1732. *John Moore*, by Deed of Bargain and Sale, recorded in the Court of the County of *Nansemond*, conveyed to his Brother, *William Moore*, who is now in Possession thereof, a Plantation and Parcel of Land thereto belonging, containing One Hundred and Ten Acres, or thereabouts, lying in the Fork of the *Southern* Branch of *Nansemond* River, in the Upper Parish of the said County, being the Plantation that formerly belonged to *John Moore*, Father of the said *John* and *William*; and by his last Will and Testament given and devised to his said Son *John*.

Chap.

A. D. 1738.

Private Acts.

Chap. 20. *An Act for dividing the Parishes of* Southwark, *and* Lawn's-Creek; *and other Purposes therein mentioned.*

21. *An Act for erecting Two new Counties and Parishes; and granting certain Encouragements to the Inhabitants thereof.*

CHAP. XXII.

Part Public, Part Private.

An Act to prevent the Inhabitants of the Borough of Norfolk *from being compelled to serve in the Militia of the County of* Norfolk; *and to exempt Sailors or Seamen, in actual Pay on board any Ship or Vessel, from serving in the Militia.*

I. WHEREAS the chief Magistrates, and other Inhabitants, of the Borough of *Norfolk*, are now listed, and compelled to serve, under the Command of the Officers of the Militia, in the County of *Norfolk*, without the said Borough: And forasmuch as the same may be very inconvenient, and may render the said Borough defenceless in Time of Danger,

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That no Inhabitant of the said Borough shall hereafter be compelable to make his or their Appearance at any Muster of the Militia, out of the said Borough, or the Limits thereof: But all and every such Inhabitant and Inhabitants, shall be listed and trained within the said Borough, or the Limits thereof, according to the Laws of this Colony, under the Command of such Person or Persons as shall be appointed for that Purpose, by the Governor, or Commander in Chief, of this Colony, for the Time being: And such Persons so listed and trained, shall be liable to the same Fines, Penalties, and Punishments, for not attending at Musters; or for not doing their Duty at such Musters, as Soldiers listed in the Militia of the County, are, or shall be subject to.

III. *PROVIDED always,* That such Persons shall not be compelled to go out of the said Borough, on any Military Service, without the express Order of the Governor, or Commander in Chief, of the said Colony and Dominion, for the Time being; or in case of any Invasion or Insurrection, without the express Order of the Lieutenant of the County of *Norfolk.*

IV. *AND be it Enacted, by the Authority aforesaid,* That the Mayor, Recorder, and Aldermen, of the said Borough, or the major Part of them, in their Court of Hustings, to be held Yearly, in *October*, upon the Complaint of any Officer or Officers appointed to command the Militia, within the said Borough, upon sufficient Proof, shall and may give Judgment against any Person or Persons listed under the Command of such Officer or Officers, for the Fines which such Person or Persons shall be liable to, by Means of his or their not appearing, or not doing his or their Duty at any Muster, or upon any other Service, within the said Borough: Which Fines shall and may be levied and appropriated by the said Court, in the same Manner, as the Fines, by the Judgment or Sentence of any Court-Martial, are, shall, or may be levied and appropriated.

V. AND whereas, divers of the Inhabitants of this Colony, are employed as Sailors or Seamen, on board Ships and other Vessels, and the compelling them to serve in the Militia, during the Time they are employed in such Service, would be a very great Inconveniency and Prejudice to Trade,

A. D. 1738.

VI. *BE it therefore further Enacted, by the Authority aforesaid,* That no Person, who shall be employed as a Sailor or Seamen, on board any Ship or Vessel, within this Colony, shall, during the Time he is in actual Pay, on board such Ship or Vessel, be compelled to serve in the Militia, in any County, City, or Borough, where such Person is an Inhabitant. Any thing contained in this, or any former, or other Act, to the contrary, in any-wise, notwithstanding.

Private Acts. Chap. 23. *An Act for allowing Fairs to be kept in the Town of* Fredericksburg.

24. *An Act for vesting Three Hundred Acres of Land, with the Appurtenances, in the County and Parish of* Accomack, *Parcel of a greater Tract, whereof* John Wallop *is seised in Fee-Tail, in* Joshua Kendall, *in Fee-Simple; and for settling several Slaves to the Uses of the remaining entailed Lands.*

25. *An Act to enable* Ralph Wormeley, *Esquire, to sell and dispose of certain entailed Lands, to raise Money for the Payment of his Sisters Portions, and Performance of his Father's Will.*

Signed by WILLIAM GOOCH, *Esq; Governor.*
JOHN ROBINSON, *Jun. Speaker.*

A. D. 1740.
WILLIAM GOOCH, Esq; Governor.

At a GENERAL ASSEMBLY, summoned to be held at the Capitol, in the City of *Williamsburg*, on *Friday* the First Day of *August*, in the Ninth Year of the Reign of our Sovereign Lord GEORGE, II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued, by several Prorogations, to the Twenty Second Day of *May*, in the Thirteenth Year of His said Majesty's Reign, and in the Year of our Lord, 1740. Being the Third Session of this present General Assembly.

Expired. Chap. 1. *An Act for the better Security of the Country in the present Time of Danger.*

Chap.

A. D. 1740.

Chap. 2. *An Act for laying an additional Duty upon Slaves, to be paid by the Buyers, for encouraging Persons to enlist in His Majesty's Service; and for preventing Desertion.* Expired.

3. *An Act for raising Levies and Recruits to serve in the present War, against the* Spaniards, *in* America. Expired.

4. *An Act for dividing the Parish of Saint* Mark, *in the County of* Orange, *and erecting the same into Two distinct Parishes.* Private

5. *An Act for prolonging the Time for bringing Tobacco to the Public Warehouses; and for the Sale of Transfer Tobacco.* Expired.

6. *An Act for continuing and amending the Act, intituled,* An Act for making more effectual Provision against Invasions and Insurrections. Expired.

7. *An Act for enforcing the Execution of the Laws made, for the better managing and securing Orphans Estates.* REP. Ch. 4, 1748.

8. *An Act to prevent the Recovery of Money, or other valuable Things, won on Wagers; and for the more effectual Restraint of Gaming at Ordinaries.* REP. Ch. 31, 1748.

9. *An Act for appointing several new Ferries; and for altering the Days for holding Fairs in the Town of* Fredericksburg. Private Acts.

10. *An Act for establishing a Town in the County of* Princess-Anne, *and confirming the Titles to Lands purchased therein.*

11. *An Act to oblige the Justices of* Surry *County, to repair and maintain a Bridge over* Nottoway *River: And for permitting a Bridge to be built, by Subscription, over* Pamunkey *River, and to provide for the Support thereof.*

12. *An Act for raising a Public Levy.* Expired.

13. *An Act for docking the Entail of certain Lands in the County of* Charles-City, *and vesting the same in* Philip Lightfoot, *Esquire, in Fee Simple.* Private Acts.

14. *An Act for docking the Entail of certain Lands, in the County of* King William, *and vesting the same in* Richard Chapman, *Gentleman, in Fee Simple; and for settling other Lands and Slaves, of greater Value, to the same Uses.*

Chap.

A. D. 1740. Private.

Chap. 15. *An Act for vesting certain Slaves, late the Estate of* William Chamberlayne, *deceased, in Trustees, for the Uses therein mentioned.*

Signed by William Gooch, *Esq;* *Governor.*
John Robinson, *Jun. Speaker.*

A. D. 1742. William Gooch, Esq; Governor.

At a General Assembly, begun and held at the Capitol, in the City of *Williamsburg*, the Sixth Day of *May*, in the Fifteenth Year of the Reign of our Sovereign Lord George II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1742: Being the First Session of this Assembly.

Expired.

Chap. 1. *An Act for reducing the Laws made, for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs, into One Act of Assembly.*

CHAP. II.

Further continued by Ch. 2, 1745.

An Act for continuing the Act, intituled, An Act for laying a Duty upon Slaves, to be paid by the Buyers.

Preamble.

I. WHEREAS, the Act of Assembly, made in the Fifth and Sixth Years of the Reign of His present Majesty, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers*; which was continued, by one other Act, made in the Eighth Year of His present Majesty's Reign; and was further continued and amended, by one other Act, made in the Twelfth Year of His present Majesty's Reign, will expire on the last Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Forty Four: And the same having been found very easy to the Subjects of this Colony, and no ways burthensome to the Traders in Slaves; and, at this Juncture, very necessary to be continued, in order to discharge the Public Debts:

Former Acts, for laying a Duty upon Slaves, continued for three Years, from the last Day of *July*, 1744.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the said first mentioned Act, made in the Fifth and Sixth Years of His Majesty's Reign, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers*; and the said Act, made in the Twelfth Year of His said Majesty's Reign, for amending the same; and also one other Act, made in the Tenth Year of His said Majesty's Reign, intituled, *An Act for laying a Duty*

Duty upon Liquors imported by Land, and better securing the Duty upon Slaves, and for other Purposes therein mentioned, as to so much thereof as relates to the Duty upon Slaves, and is not repealed or altered by the said other Act, made in the Twelfth Year of His Majesty's Reign, shall continue, and be in Force, from the said last Day of *July*, One Thousand Seven Hundred and Forty Four, for and during the Term of Three Years, from thence next following, and no longer. A. D. 1742.

Chap. 3. *An Act for continuing and amending the Act, intituled,* An Act for laying a Duty upon Liquors. Expired.

4. *An Act for inspecting, weighing, and stamping all Pork, and Beef, packed in this Colony, or imported for Sale, before the same shall be sold here, or shipped for Exportation; and to amend the Act, intituled,* An Act for ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch. REP. Ch. 49, 1748.

5. *An Act to allow Persons not concerned in making Tobacco to discharge Levies and Officers Fees, in Money.* Expired.

6. *An Act to explain and amend Part of an Act, intituled,* An Act directing the Duty of Surveyors of Land, and ascertaining their Fees, *for so much as relates to issuing Plots, or Copies of Surveys.* REP. Ch. 19, 1748.

7. *An Act for repealing Part of an Act, intituled,* An Act to prevent frivolous and vexatious Suits; and to regulate Attornies practising in the County Courts. Ch. 13, 1732.

8. *An Act for paying the Burgesses Wages in Money, for this present Session of Assembly.* Expired.

9. *An Act for appointing a Treasurer.* Expired.

10. *An Act for enabling the Justices of the County Courts to make Contracts, which may be binding upon themselves and their Successors.* REP. Ch. 7, 1748.

11. *An Act to oblige the Inspectors to attend at the Warehouses 'til the last Day of* August, *in this present Year.* Expired.

12. *An Act for preventing Losses from Drivers passing with Cattle through this Colony; and for laying a Duty upon Horses imported.* Expired.

13. *An Act to prevent Lawyers exacting or receiving exorbitant Fees.* Expired.

14. *An Act for raising a Public Levy.* Expired.

A. D. 1740. Private.

Chap. 15. *An Act for vesting certain Slaves, late the Estate of* William Chamberlayne, *deceased, in Trustees, for the Uses therein mentioned.*

Signed by WILLIAM GOOCH, *Esq;* *Governor.*
JOHN ROBINSON, *Jun. Speaker.*

A. D. 1742. WILLIAM GOOCH, Esq; Governor.

At a GENERAL ASSEMBLY, begun and held at the Capitol, in the City of *Williamsburg*, the Sixth Day of *May*, in the Fifteenth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1742: Being the First Session of this Assembly.

Expired.

Chap. 1. *An Act for reducing the Laws made, for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs, into One Act of Assembly.*

CHAP. II.

Further continued by Ch. 2, 1745.

An Act for continuing the Act, intituled, An Act for laying a Duty upon Slaves, to be paid by the Buyers.

Preamble.

I. WHEREAS, the Act of Assembly, made in the Fifth and Sixth Years of the Reign of His present Majesty, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers*; which was continued, by one other Act, made in the Eighth Year of His present Majesty's Reign; and was further continued and amended, by one other Act, made in the Twelfth Year of His present Majesty's Reign, will expire on the last Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Forty Four: And the same having been found very easy to the Subjects of this Colony, and no ways burthensome to the Traders in Slaves; and, at this Juncture, very necessary to be continued, in order to discharge the Public Debts:

Former Acts, for laying a Duty upon Slaves, continued for three Years, from the last Day of *July*, 1744.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the said first mentioned Act, made in the Fifth and Sixth Years of His Majesty's Reign, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers*; and the said Act, made in the Twelfth Year of His said Majesty's Reign, for amending the same; and also one other Act, made in the Tenth Year of His said Majesty's Reign, intituled, *An Act for laying a Duty*

Duty upon Liquors imported by Land, and better securing the Duty upon Slaves, and for other Purposes therein mentioned, as to so much thereof as relates to the Duty upon Slaves, and is not repealed or altered by the said other Act, made in the Twelfth Year of His Majesty's Reign, shall continue, and be in Force, from the said last Day of *July*, One Thousand Seven Hundred and Forty Four, for and during the Term of Three Years, from thence next following, and no longer. A. D. 1742.

Chap. 3. *An Act for continuing and amending the Act, intituled,* An Act for laying a Duty upon Liquors. Expired.

4. *An Act for inspecting, weighing, and stamping all Pork, and Beef, packed in this Colony, or imported for Sale, before the same shall be sold here, or shipped for Exportation; and to amend the Act, intituled,* An Act for ascertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch. REP. Ch. 49, 1748.

5. *An Act to allow Persons not concerned in making Tobacco to discharge Levies and Officers Fees, in Money.* Expired.

6. *An Act to explain and amend Part of an Act, intituled,* An Act directing the Duty of Surveyors of Land, and ascertaining their Fees, *for so much as relates to issuing Plots, or Copies of Surveys.* REP. Ch. 19, 1748.

7. *An Act for repealing Part of an Act, intituled,* An Act to prevent frivolous and vexatious Suits; and to regulate Attornies practising in the County Courts. Ch. 13, 1732.

8. *An Act for paying the Burgesses Wages in Money, for this present Session of Assembly.* Expired.

9. *An Act for appointing a Treasurer.* Expired.

10. *An Act for enabling the Justices of the County Courts to make Contracts, which may be binding upon themselves and their Successors.* REP. Ch. 7, 1748.

11. *An Act to oblige the Inspectors to attend at the Warehouses 'til the last Day of* August, *in this present Year.* Expired.

12. *An Act for preventing Losses from Drivers passing with Cattle through this Colony; and for laying a Duty upon Horses imported.* Expired.

13. *An Act to prevent Lawyers exacting or receiving exorbitant Fees.* Expired.

14. *An Act for raising a Public Levy.* Expired.

A. D. 1742.

CHAP. XV.

An Act for the Relief of those Persons, who were Sufferers in the Loss of the Records of the County of Nansemond, *whose Cases have not already been provided for.*

Private.

I. WHEREAS, it was Enacted, by One Clause of the Act, made in the Twelfth Year of His Majesty's Reign, *For the Relief of certain Persons, who were Sufferers in the Loss of the Records of the County of* Nansemond; That to the End, other Persons, who had not been able to produce Witnesses, before the Commissioners appointed, by a Commission issued under the Great Seal of the Colony, pursuant to the Act of Assembly, made in the Eighth Year of His Majesty's Reign, intituled, *An Act for the Relief of such Persons as have suffered, or may suffer, by the Loss of the Records of* Nansemond *County, lately consumed by Fire,* in Relation to their Deeds, and other Evidences, which may have been lost among the Records of the said County, one other or more Commissions should, and might be issued, and continued, by the Governor and Commander in Chief, of this Colony, for the Time being, for examining other Witnesses, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original has been lost, pursuant to the last mentioned Act of Assembly, to be executed and returned, as in the said Act is directed: And whereas, pursuant thereto, a Commission hath issued, under the Great Seal of the Colony, bearing Date the Twenty Third Day of *December*, in the Twelfth Year of His said Majesty's Reign, to *William Wright*, and Seventeen others directed, who made a Return of the said Commission; but it does not appear, that they have taken any Depositions pursuant thereto. And to the End, that those Persons, who have not yet been able to produce Witnesses before the said Commissioners, in Relation to their Deeds, and other Evidences, which have been lost among the Records of the said County, may be relieved,

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That one other or more Commissions shall, and may be issued, and continued, by the Governor and Commander in Chief of this Colony, for the Time being, for examining other Witnesses, and perpetuating the Testimony thereof, in Relation to all Deeds, Wills, Inventories, or other Writings, recorded in the said County Court, where the Original hath been lost, pursuant to the Act of Assembly, made in the Eighth Year of His Majesty's Reign; to be executed and returned, as in the said Act is directed.

Private Acts. Chap. 16. *An Act for dividing the County of* King *and* Queen, *and adding the upper Part thereof to the County of* Caroline.

17. *An Act to impower the Justices of* Elizabeth-City *County to erect Ponds, and for other Purposes therein mentioned.*

Expired. 18. *An Act for laying a Tax on the Inhabitants of* Augusta *County, and appropriating the Money thereby arising, to their Use.*

Ch. 16, 1748. 19. *An Act for appointing several new Ferries, and altering the Name of a former Ferry; and for other Purposes therein mentioned.* REP.

Chap.

A. D. 1742. Private Acts.

Chap. 20. *An Act for establishing the Town of* Richmond, *in the County of* Henrico; *and allowing Fairs to be kept therein.*

21. *An Act for erecting a Town at* Bray's *Church, in the County of* King George.

22. *An Act to vest certain entailed Lands therein mentioned, in the Feoffees and Trustees of the Town of* Fredericksburg, *and those Persons who have purchased under them.*

23. *An Act for erecting a Town at* Constance's *Warehouse, in the County of* Nansemond.

24. *An Act for continuing the Act, intituled,* An Act for allowing Fairs to be kept in the Town of *Fredericksburg.*

25. *An Act for destroying Crows aud Squirrels on the* Eastern-Shore.

CHAP. XXVI.

An Act for explaining the Charter granted to the City of Williamsburg, *and for enlarging the Jurisdiction of the Court of Hustings, within the said City.*

I. WHEREAS His late Majesty King *George* the First, of blessed Memory, by His Royal Charter, bearing Date under the Seal of this Colony, the Twenty Eighth Day of *July*, in the Eighth Year of His Reign, was graciously pleased to grant to the Inhabitants of *Williamsburg*, That the same should be a City Incorporate, consisting of a Mayor, Recorder, Six Aldermen, and Twelve Common-Council Men: And was further pleased (among other Things) to grant to the said Mayor, Recorder, Aldermen, and Common-Council of the said City, and to their Successors, for Ever; and to all Freeholders of the said City, owning one whole Lot of Land, with an House built thereon, according to Law; and to all Persons actually residing and inhabiting within the said City, having a visible Estate of Fifty Pounds Current Money, at the least; and to all Persons who should serve Five Years to any Trade within the said City, and should, after the Expiration of their Time, be actually House-keepers and Inhabitants of the said City, full Power and Authority to name, elect, and send One Citizen, qualified, as therein is mentioned, to be present, sit, and vote, in the House of Burgesses of this Colony. And was also pleased to grant, That the said Mayor, Recorder, and Aldermen, should hold a Court of Hustings, once in every Month, within the said City: The Jurisdiction of which said Court hath been enlarged by Two Acts of Assembly, made since the granting of the said Charter; but the same is not yet extensive enough, for keeping Order and good Government within the said City: And some Doubts and Controversies having lately arisen, concerning the Construction of the said Charter, particularly with respect to the Qualifications of Persons, entitled by the said Charter, to vote at the Election of a Citizen for the said City. For Settling the said Doubts and Controversies, and Enlarging the Jurisdiction of the said Court of Hustings, Private.

II. BE

A. D. 1742.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same; and the true Intent and Meaning of the said Charter is hereby Declared to be,* That no Person shall vote at the Election of a Citizen for the said City, in Right of any Freehold, unless he has an Estate of Freehold in One whole Lot of Land within the said City; and that there be standing upon the said Lot, a House, of such Dimensions as is required by Law, for Saving such Lot, in tenantable Repair, at the Time of giving such Vote. And where Two or more are seised of any Estate of Freehold within the said City, as Joint-tenants, Tenants in Common, or Co-partners, no more than One Vote shall be given, or allowed, in Right of such Freehold; and that only in case all the Parties interested, can agree; otherwise no Vote shall be allowed to be given, for any such Freehold. And that no Person shall be entitled to vote at such Election, as an Inhabitant or Resident within the said City, unless he has actually resided there Twelve Months, next before the Time of giving his Vote. And that no Person whatsoever, being a Servant by Indenture, Covenant, or otherwise, shall be allowed to give any Vote at such Election, in Right or on Account of his being an Inhabitant or Resident within the said City. And that no Person shall be entitled to vote at such Election, in Right, or on Account of his having served Five Years in the said City, unless he shall have actually served as an Apprentice to some Trade within the said City, for the Term of Five Years, and shall have obtained a Certificate thereof from the Court of Hustings within the said City, under the common Seal of the City; and is also an Inhabitant and House-keeper within the said City, at the Time of giving his Vote.

III. *AND be it further Enacted,* That every Person claiming a Right to vote as a Freeholder, before he is admitted to poll at the Election of a Citizen for the said City, shall, if required by any Canditate, or other Person entitled to vote at such Election, take the following Oath; or being one of the People called Quakers, shall declare the Effect of the same, upon his Affirmation: That is to say, "You shall swear, That you have a sole Estate of Freehold, "or Estate of Freehold in Joint-tenancy, Tenancy in Common, or Co-partnery, "with
"in One whole Lot of Land, within the City of *Williamsburg*, and that there "is a House now standing thereon, of such Dimensions as is required by Law, "for Saving the said Lot, in tenantable Repair; and that the same hath not "been granted to you fraudulently, on Purpose to qualify you to give your "Vote at this Election." And every Person claiming a Right to vote, as Resident and Inhabitant within the said City, shall, if required, as aforesaid, take the following Oath; or being a Quaker, declare the Effect of the same, upon his Affirmation: That is to say, "You shall swear, That you are, and have "been, for Twelve Months last past, a Resident and Inhabitant within the City "of *Williamsburg*; and that you have a visible Estate of the Value of Fifty "Pounds Current Money, at the least; and that the same, or any Part thereof, "hath not been given or conveied to you fraudulently, on Purpose to qualify "you to give your Vote at this Election."

IV. *AND be it further Enacted, and Declared,* That no Person shall be qualified to be elected one of the Common-Council Men of the said City, until he has actually resided there Twelve Months, at the least: And such Residence shall be deemed a sufficient Qualification, although he be no Freeholder. And that the Writ for Electing a Citizen for the said City, shall be directed to the Mayor of the said City, for the Time being, as has been used heretofore: And the said Mayor is hereby declared to be the Returning Officer. And that the Recorder of the said City, for the Time being, shall, in his Absence from the said City, have full Power and Authority to exercise the said Office, by his sufficient Deputy to be appointed by him, by Writing under his Hand and Seal, so as such Deputy be approved by the Court of the Mayor,

Mayor, Aldermen, and Common-Council Men of the ſaid City, or the major Part of them. *A. D. 1742.*

V. *AND be it further Enacted*, That the Court of Huſtings within the ſaid City, ſhall from henceforth have the ſole Power of granting Licenſes to Ordinary-keepers within the ſaid City: And that the Courts of the Counties of *York*, and *James City*, ſhall not exerciſe any Juriſdiction in that Matter, as hath been formerly done.

VI. *PROVIDED always*, That ſuch Licenſes be granted, in the Manner directed by one Act of Aſſembly, made in the Fourth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for regulating Ordinaries, and Reſtraint of Tippling-Houſes.* And the Juſtices of the ſaid Court of Huſtings ſhall have the ſame Powers and Authorities, both as to granting Licenſes, and regulating and ſuppreſſing Ordinaries, as the Juſtices of any County Court within this Colony have or may exerciſe, by Virtue of the ſame, or any other Act of Aſſembly.

Chap. 27. *An Act for dividing the County of* Prince William. Private Acts.

28. *An Act for dividing the County of* Hanover, *and erecting the upper Part thereof, into a diſtinct County.*

29. *An Act for preventing the Building Wooden Chimnies in the Town of* Fredericksburg, *and pulling down ſuch as are already built therein, and to reſtrain Hogs from going at large, in the Towns of* Fredericksburg, *and* Urbanna.

30. *An Act for dividing the Pariſh of Saint* Martin, *in the County of* Hanover, *and erecting the ſame into Two diſtinct Pariſhes.*

31. *An Act for dividing the Pariſh of* Briſtol, *in the County of* Prince George, *and erecting the ſame into Two diſtinct Pariſhes, and other Purpoſes therein mentioned.*

32. *An Act to veſt certain entailed Lands, Parcel of a greater Tract therein mentioned, in* George Braxton, *the Younger, in Fee-Simple, and for ſettling other Lands, of greater Value, to the ſame Uſes.*

33. *An Act to enable* Frances Greenhill, *to ſell and diſpoſe of her Lands, and other Eſtate, by Deed or Will, notwithſtanding her Huſband* Joſeph Greenhill *ſhall happen to be living, and for other Purpoſes therein mentioned.*

Signed by WILLIAM GOOCH, *Eſq; Governor.*

JOHN ROBINSON, *Jun. Speaker.*

A. D. 1744.

William Gooch, Esq; Governor.

At a General Assembly, summoned to be held at the *Capitol*, in the City of *Williamsburg*, on *Thursday* the Sixth Day of *May*, in the Fifteenth Year of the Reign of our Sovereign Lord George II. by the Grace of God, of *Great-Britain, France,* and *Ireland,* King, Defender of the Faith, *&c.* And from thence continued, by several Prorogations, to *Tuesday* the Fourth Day of *September*, in the Eighteenth Year of His said Majesty's Reign, and in the Year of our Lord 1744: Being the Second Session of this Assembly.

CHAP. I.

An Act for the Relief of certain Creditors. (a)

Preamble.

I. WHEREAS great Difficulties have arisen, in the Recovery of Debts due to the Inhabitants of this Colony, from Persons residing in other Parts of His Majesty's Dominions, or who have removed themselves into Foreign Parts, having Effects here sufficient for the satisfying and paying such Debts; for Remedy whereof,

Persons not entring Appearance within the usual Time, after Subpœna,

and absconding to avoid Process, Court may injoin their Effects in other Persons Hands, and order them to be delivered to the Plaintiff, on his giving Security.

And may fix a Day for Defendants Appearance, to be

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That if in any Suit which hath been, or hereafter shall be commenced, for Relief in Equity, in the General Court of this Colony, any Defendant or Defendants, against whom any Subpœna or other Process shall issue, shall not cause his, her, or their Appearance to be entered upon such Process, within such Time, and in such Manner as, according to the Rules of the Court, the same ought to have been entered, in case such Process had been duly served, and an Affidavit or Affidavits shall be made, to the Satisfaction of such Court, that such Defendant or Defendants is or are beyond the Seas, or that upon Enquiry at his, her, or their usual Place of Abode, he, she, or they could not be found, so as to be served with such Process; then, and in such Cases, the said Court may not only make any Order or Orders to restrain and injoin any Person or Persons in this Colony, having any Effects belonging to the Defendant or Defendants in their Hands, or in any other Manner Debtors to the Defendant or Defendants, from paying, conveying away, or secreting such Debts or Effects, until the further Order or Decree of the said Court; but also may, (if to the same Court it shall seem necessary) order such Effects to be delivered to the Plaintiff or Plaintiffs, subject to the future Order and Decree of the said Court, upon such Plaintiff or Plaintiffs giving such Security as to the said Court shall seem proper, for the Return of the said Effects, in such Manner, and to such Persons as the said Court shall adjudge: And the said Court also shall and may make an Order directing and appointing such Defendant or Defendants to appear, at a certain Day therein to

(a) This Act received the Royal Assent, *March* 20, 1745.

be named, of the next succeeding Court; and a Copy of such Order shall, within Fifteen Days after such Order made, be inserted in the *Virginia Gazette*, for Two Months successively, and published on some Lord's Day, immediately after Divine Service, in such Parish Church or Churches as the said Court shall appoint and direct; and also in every Case, a Copy of such Order shall, within the Time aforesaid, be posted up at the front Door of the *Capitol*, in the City of *Williamsburg*: And if the Defendant or Defendants do not appear within the Time limited by such Order, or within such further Time as the Court shall appoint, then, on Proof made of such Publication of such Order as aforesaid, the Court, being satisfied of the Truth thereof, may order the Facts of the Plaintiff's Bill to be taken *pro confesso*. But if the Matter or Cause of such Suit or Suits, be for the Adjustment and Settlement of any Account or Accounts, and for Satisfaction of what Ballances may appear due thereon, then, and in such Cases, the Court may, either by Assigning and Appointing of Auditors, or in any other Manner, proceed to the Stating and Settlement of such Account or Accounts, and make such Order and Decree thereupon, as shall be thought just; and may thereupon issue Process to compel the Performance of such Decree, either by immediate Sequestration of the Real and Personal Estate and Effects of the Defendant or Defendants, (if any such can be found) or such Part thereof as may be sufficient to satisfy the Demands of the Plaintiff or Plaintiffs in the said Suit, or by causing Possession of the Estate or Effects demanded by the Bill, to be delivered to the Plaintiff or Plaintiffs, or by continuing the Effects, (if any) so ordered to be delivered on the Return of the Subpœna as aforesaid, or such Part thereof as may be sufficient to satisfy the Plaintiff or Plaintiffs Demands and Costs of Suit, in the Hands of the Plaintiff or Plaintiffs; or give such further Relief or Remedy as the Nature of the Case shall require: And the said Court may likewise order such Plaintiff or Plaintiffs to be paid and satisfied his, her, or their Demands, out of the Estate or Effects so sequestred, according to the true Intent and Meaning of such Decree, such Plaintiff or Plaintiffs first giving sufficient Security in such Sum as the Court shall think proper, to abide such Order, touching the Restitution of such Estate or Effects as the Court shall think proper to make concerning the same, upon the Defendant or Defendants Appearance to defend such Suit, and paying such Costs to the Plaintiff or Plaintiffs, as the Court shall order: But in Case such Plaintiff or Plaintiffs shall refuse or neglect to give such Security as aforesaid, then the said Court shall order the Estate or Effects so sequestred, or whereof Possession shall be decreed to be delivered, to remain under the Direction of the Court, either by appointing a Receiver thereof, or otherwise, as to such Court shall seem meet, until the Appearance of the Defendant or Defendants to defend such Suit, and his, her, or their paying such Costs, to the Plaintiff or Plaintiffs, as the said Court shall think reasonable, or until such Order shall be made therein as the Court shall think just.

be inserted in the Virginia Gazette, published in a Parish Church, and posted at the front Door of the Capitol.

Defendant not appearing, the Plaintiffs Bill to be taken pro confesso, or Auditors to be appointed, to settle Accounts.

Defendants Estate to be sequestred,

and Plaintiff satisfied,

on giving Security to defend Suit on Defendants Appearance.

Plaintiff refusing to give such Security, the Effects sequestred to remain under the Courts Direction.

III. *AND it is hereby further Enacted, by the Authority aforesaid*, That from and after the passing of this Act, if any Defendant or Defendants, by Virtue of any Writ of *Habeus Corpus*, or other Process issuing out of the said Court, shall be brought into Court, and shall refuse or neglect to enter his, her, or their Appearance, according to the Rules and Method required by the said Court, or to appoint an Attorney of such Court, to act on his, her, or their Behalf, respectively, such Court may appoint an Attorney of such Court, to enter an Appearance for such Defendant or Defendants, respectively; and such Proceedings may thereupon be had in the Cause, as if the Party had actually appeared.

Defendants brought into Court by Habeas Corpus, or other Process, and refusing to enter Appearance, Court to enter it for them.

IV. *PROVIDED always*, That if the Person, against whom any Decree shall be made, upon Refusal or Neglect to enter his, her, or their Appearance, or appoint an Attorney to act on his, her, or their Behalf, shall be in Custody, or forth coming, so that he, she or they, may be served with a Copy of such Decree; then he, she or they, shall be served with a Copy thereof, before any Process shall be taken out to compel the Performance thereof.

Persons in Custody, so refusing, to be served with a Copy of the Decree.

V. PRO-

A. D. 1744.

Persons out of the Colony affected by such Decree, if they return within Seven Years, to be served with a Copy; or in Case of his Death his Heir, &c.

V. *PROVIDED also*, That if any Decree shall be made, in Pursuance of this Act, against any Person or Persons, being out of this Colony, or absconding as aforesaid, at the Time such Decree is pronounced, and such Person or Persons, shall within Seven Years after the making such Decree, return, or become publickly visible; then, and in such Case, he, she or they, shall likewise be served with a Copy of such Decree, within a reasonable Time after his, her or their Return, or publick Appearance, shall be known to the Plaintiff or Plaintiffs: And in Case any Defendant, against whom such Decree shall be made, shall, within Seven Years after the making such Decree, happen to die before his, or her Return into this Colony, or appearing openly, as aforesaid, or shall, within the Time last before mentioned die in Custody, before his or her being served with a Copy of such Decree, then his or her Heir, if such Defendant shall have any real Estate sequestred, or whereof Possession shall have been delivered to the Plaintiff or Plaintiffs, and such Heir may be found, or if such Heir shall be a *Feme Covert*, Infant, or *Non Compos Mentis*, the Husband, Guardian, or Committee of such Heir, respectively; or if the personal Estate of such Defendant be sequestred, or Possession thereof delivered to the Plaintiff or Plaintiffs, then his or her Executor, or Administrator, (if any such there be) may and shall be served with a Copy of such Decree, within a reasonable Time after it shall be known to the Plaintiff or Plaintiffs, that the Defendant is dead, and who is his or her Heir, Executor or Administrator, or where he, she or they, respectively, may be served therewith.

If Persons, served with such Copy, shall not petition a Rehearing of the Cause in 12 Months, the Decree to be absolutely confirmed.

VI. *PROVIDED always*, That if any Person or Persons, so served with a Copy of such Decree, shall not, within Twelve Months after such Service, appear, and petition to have the said Cause re-heard, such Decree, so made as aforesaid, shall stand absolutely confirmed against the Person and Persons so served with a Copy thereof, his, her and their respective Heirs, Executors and Administrators, and all Persons claiming by, from, or under him, her, them, or any of them, by Virtue of any Act, done or to be done, subsequent to the Commencement of such Suit.

Defendants petitioning a Re-hearing within 7 Years, and paying or giving Security for Costs, admitted to answer, and the Cause to be heard again.

VII. *PROVIDED nevertheless*, That if any Person so served with a Copy of such Decree, shall, within Twelve Months after such Service; or if any Person not being so served, shall, within Seven Years next after the making such Decree, appear in Court, and petition to be heard, with Respect to the Matter of such Decree, and shall pay down or give Security for Payment of such Costs, as the Court shall think reasonable in that Behalf; the Person or Persons so petitioning, his, her or their respective Representatives, or any Person or Persons, claiming under him, her or them respectively, by Virtue of any Act done before the Commencement of the Suit, may be admitted to answer the Bill exhibited, and Issue may be joined, and Witnesses on both Sides examined; and such other Proceedings, Decree, and Execution, may be had thereon, as there might have been, in case the said Party had originally appeared, and the Proceedings had then been newly begun, or as if no former Decree or Proceedings had been in the same Cause.

Not appearing within 7 Years, and making such Petition to be absolutely barred.

VIII. *PROVIDED nevertheless, and be it Enacted, by the Authority aforesaid*, That if any Person or Persons, against whom such Decree shall be made, his, her, or their Heirs, Executors or Administrators, shall not, within Seven Years next after the making of such Decree, appear and petition to have the Cause re-heard, and pay down, or give Security for Payment of such Costs, as the Court shall think reasonable in that Behalf, such Decree made, as aforesaid, shall stand abosutely comfirmed against the Person and Persons against whom such Decree shall be made, his, her and their Heirs, Executors and Administrators, and against all Persons claiming or to claim, by, from or under him, her, them or any of them, by Virtue of any Act, done or to be done, subsequent to the Commencement of such Suit: And at the End of such Seven Years,

Years, it shall and may be lawful, for the Court to make such further Order, as shall be just and reasonable, according to the Circumstances of the Cause. *A. D. 1744.*

CHAP. II.

An Act to explain and amend an Act, intituled, An Act for the effectual Suppression of Vice, and Restraint and Punishment of wicked, blasphemous, and dissolute Persons.

I. WHEREAS the Act of Assembly, made in the Fourth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for the effectual Suppression of Vice, and Restraint and Punishment of wicked, blasphemous, and dissolute Persons*, hath been found insufficient to restrain and discourage Wickedness and Vice; and different Opinions have also prevailed, touching the Meaning thereof: Therefore, for the better explaining and amending the same, Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the passing of this Act, if any Person or Persons shall prophanely curse or swear, he, she, or they so offending, being thereof convicted, in the Manner as in the said recited Act is directed, shall for every respective Oath or Curse, by him or her so sworn and uttered, forfeit and pay the Sum of Five Shillings, or Fifty Pounds of Tobacco: And if any Person or Persons, so convicted, shall refuse to make present Payment of such Forfeiture or Forfeitures, or give sufficient Security for the Payment thereof, at the laying of the next Parish Levy, after such Conviction, that then the same shall be levied on the Goods and Chattels of such Offender or Offenders, by Execution, under the Hand of the Justice of the Peace, before whom such Conviction shall be directed, to the Sheriff or Constable, to be executed in like Manner as other Executions and Distresses are levied; and if no Goods and Chattels of such Offender or Offenders can be found, whereon to levy the said Sum or Sums, then he, she, or they, shall have and receive Ten Lashes upon his, her, or their bare Back, well laid on, for every such Forfeiture. Persons prophanely swearing or cursing to forfeit 5 s. or 50 Pounds Tobacco, for every Oath or Curse. How to be levied. If no Goods to be found, Offender to be whipped.

III. *PROVIDED always,* That no Justice of the Peace shall give Judgment for more than four Oaths or Curses, sworn or uttered at any one Time, or issue Execution against any Offender, for more than Twenty Shillings, or Two Hundred Pounds of Tobacco, upon any one Conviction; and also; that no Offender or Offenders shall receive more than Twenty Lashes, upon such Conviction. Proviso.

IV. *AND be it further Enacted,* That when any Person shall hereafter be presented by the Grand-Jury, or prosecuted by the Church-wardens, or otherwise, for wilfully absenting him, or herself from divine Service, at his or her Parish Church or Chapel, the Space of one Month, if such Person shall make it appear, by the Oath of one or more credible Witness or Witnesses, that he or she so presented or prosecuted, hath been at divine Service at any other Church or Chapel than his or her own Parish Church or Chapel, within the Space for which he or she shall be so presented, for being absent; that then such Presentment or Prosecution shall be dismissed, and the Party prosecuted discharged from the Forfeiture in the said Act mentioned. And forasmuch as many Doubts have arisen, touching the Offences and Matters to be presented by Grand-Juries, for settling whereof for the future, Persons prosecuted, for not going to their Par. Churches, to be excused, if present at divine Service at other Churches.

V. *BE it further Enacted, by the Authority aforesaid,* That the Grand-Juries hereafter shall, and they are hereby required to make Presentment of all such Offences and Breaches of Penal Laws only, as shall be committed within the Space Grand-Juries to present Offences against Penal Laws, only within 12 Months, & no longer.

A. D. 1744. Space of Twelve Months before the Time of such Presentment, unless the same be otherwise directed by Law, and no longer.

Repealing Clause. VI. *AND be it further Enacted*, That so much of the said recited Act of Assembly, as relates to any Matter or Thing within the Purview of this Act, shall be, and the same is hereby repealed and made void.

Provided for, Ch. 6, 1748. Chap. 3. *An Act to settle the Distribution of the Salary allowed by His Majesty, to the Council of this Colony.*

Expired. 4. *An Act for continuing an Act, made in the First Year of His Majesty's Reign,* intituled, *An Act for making more effectual Provision against Invasions and Insurrections*; and one other Act, intituled, *An Act for continuing and amending the aforementioned Act.*

Repealed, Ch. 31, 1748. 5. *An Act to amend an Act,* intituled, *An Act for preventing excessive and deceitful Gaming*; and another Act, intituled, *An Act to prevent the Recovery of Money, or other valuable Things, won on Wagers, and for the more effectual Restraint of Gaming at Ordinaries.*

Ch. 5, 1748. 6. *An Act to amend the Law for Proving Wills in the General Court and County Courts.* REP.

Expired. 7. *An Act to continue and amend an Act,* intituled, *An Act for reducing the Laws made, for amending the Staple of Tobacco, and for preventing Frauds in His Majesty's Customs, into One Act of Assembly.*

Expired. 8. *An Act for continuing the Act,* intituled, *An Act for laying a Duty upon Liquors.*

Ch. 35, 1748. 9. *An Act for amending an Act,* intituled, *An Act for laying an Imposition upon Skins and Furs, for the better Support of the College of* William *and* Mary, *in* Virginia. REP.

Ch. 7, 1748. 10. *An Act to amend the Act, declaring the Law concerning Attachments, and for altering the Court Days in the Counties of* Accomack *and* Amelia. REP.

Ch. 8. 1748. 11. *An Act to amend an Act,* intituled, *an Act to prevent frivolous and vexatious Suits, and to regulate Attornies, practising in the County Courts.* REP.

Private. 12. *An Act to establish and confirm the Bounds and Title of Lands held in the Town of* Suffolk, *in the County of* Nansemond.

Ch. 13, 1748. 13. *An Act to amend an Act,* intituled, *an Act for settling some Doubts and Differences of Opinion, in Relation to the Benefit of Clergy; for allowing the same to Women,*

and

and taking away of Reading, and to disable certain Persons therein mentioned to be Witnesses. REP. *A. D. 1744.*

Chap. 14. *An Act for amending the Act*, intituled, *An Act for settling the Titles and Bounds of Lands, and for preventing unlawful Shooting and Ranging thereupon.* Repealed, Ch. 1, 1748.

15 *An Act for continuing the Act*, intituled, *An Act for the better Regulating and Collecting certain Officers Fees, and other Purposes therein mentioned.* Expired.

16. *An Act for continuing and amending the Act, for preventing Losses from Drivers, passing with Cattle through this Colony, and for laying a Duty on Horses.* REP. Ch, 42, 1748.

17. *An Act for continuing the Act, for altering the Method of Trial of certain Criminals therein mentioned.* REP. Ch. 13, 1748.

18. *An Act for appointing several new Ferries.* REP. Ch. 16, 1748.

19. *An Act to impower the Vestry of the Parish of* Stratton-Major, *in the County of* King *and* Queen, *to sell the Glebe of the said Parish, and to purchase a more convenient Glebe, in Lieu thereof.* Private Acts.

20. *An Act for enabling the Justices of* Prince William *and* Fairfax *Counties, to levy Tobacco on the said Counties, to support* Occoquan *Ferry.*

21. *An Act to prevent the Inhabitants of* Tappahanock *Town from raising and keeping Hogs at large within the said Town.*

22. *An Act to oblige the Surveyors of the Counties of* Albemarle, Augusta, Frederick, *and* Louisa, *to reside in the respective Counties whereof they are Surveyors.* REP. Ch. 19, 1748.

23. *An Act for dividing the Parishes of Saint* John, *and Saint* Margaret, *and for other Purposes therein mentioned.* Private Acts.

24. *An Act to confirm the Lots of the Town of* Newcastle, *to the Purchasers thereof, and for other Purposes therein mentioned.*

25. *An Act for dividing the Parish of* Hamilton, *in the County of* Prince William, *and erecting the same into Two distinct Parishes, and other Purposes therein mentioned.*

26. *An Act for dividing the Parish of* Bath, *in the County of* Prince George, *and adding Part thereof to* Bristol *Parish.*

27. *An Act for obliging the Parish of Saint* Martin *to repay the Parish of* Fredericksville, *their Proportion of Four Hundred and Ninety Six Pounds, and Ten Thousand Pounds of Tobacco, levied on the said Parish of Saint* Martin, *before the Division of the same.* CHAP.

A. D. 1744.

CHAP. XXVIII.

An Act to enable the Common-Hall of the City of Williamsburg, *to assess a Tax on the Inhabitants of the said City, for building a Prison; and for other Purposes therein mentioned.*

Private.

I. WHEREAS the Mayor, Recorder, Aldermen, and Common-Council of the City of *Williamsburg*, have represented to this General Assembly, That there is no Prison belonging to their Corporation, for the Commitment of Debtors, Criminals, and Offenders; but that the Prison of *James-City* County, standing within the Limits of the said City, hath hitherto been used for that Purpose, on Sufferance; which is attended with Inconvenience both to the said County and City; and that they are desirous a Prison should be built, for the Use of the said City, at the Charge of the Inhabitants of the Corporation: But it is a Doubt, whether they have Power, by their Charter, to assess a Tax on the said Inhabitants, for that Use, or for any other needful Occasion of the City, when their Chamber is deficient:

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That it shall and may be lawful for the Mayor, Recorder, Aldermen, and Common-Council of the said City of *Williamsburg*, for the Time being, in Common-Hall assembled, to levy and assess, by the Poll, on the Tithable Persons inhabiting within the said City, all such Sum and Sums of Money as shall be necessary, for erecting a Prison for the Use of the said City, if their Chamber be deficient; and also to appoint a Collector of the same. And if any Person or Persons shall refuse or neglect to satisfy and pay the Money, so on him, her, or them levied and assessed, according to the Times appointed for the Payment thereof, it shall and may be lawful to and for such Collector, by Warrant from under the Hand of any Magistrate of the said City, to levy the Money so due, by Distress and Sale of the Delinquents Goods, in the same Manner as for Nonpayment of Public and County Levies, in this Colony.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Justices of the County of *James-City*, and the Justices of the County of *York*, for the Time being, shall, and they are hereby required, at the Time of laying the Levies for their respective Counties, in every Year, to levy, for the Serjeant and Constables of the said City, for the Time being, so much Tobacco as shall hereafter become due to them, for all such Services done, and Prison Fees, arising within the said City, not already by Law directed to be paid, as would properly be chargeable on the said Counties, respectively, by the Sheriffs and Constables thereof, in case the said City had not been incorporated.

Private Acts.

Chap. 29. *An Act for giving a Reward for killing Wolves in the County of* Frederick, *to be levied on the Inhabitants of the said County, by the Court; and for altering several Court Days,*

30. *An Act for reviving the Act, to impower the Justices of* Elizabeth-City *County, to erect Pounds; and for other Purposes therein mentioned.*

31. *An Act for dividing the County of* Goochland, *and the Parish of Saint* James, *in that County; and for other Purposes therein mentioned.*

Chap.

A. D. 1744. Private Acts.

Chap. 32. *An Act for dividing the upper Parish in* Nansemond *County, and adding Part thereof to* Suffolk *Parish.*

33. *An Act to enable the* Nottoway *and* Nansemond Indians *to sell certain Lands; and for other Purposes therein mentioned.*

34. *An Act to prevent the building and repairing Wooden Chimnies, in the Town of* Richmond.

35. *An Act for dissolving the present Vestry of the Parish of* Truro; *and for appointing a new Election of Vestrymen for the said Parish.*

36. *An Act to oblige the Inhabitants of* Augusta *County to pay their Proportion of the Charge, for running the dividing Line between* Augusta *and* Frederick *Counties.*

37. *An Act to enable* Mann Page, *Esquire, to sell and dispose of certain entailed Lands, to raise Money, for the Payment of his Father's Debts, and Performance of his Will; and for other Purposes therein mentioned.*

38. *An Act to enable* John Belfield *to sell certain Lands therein mentioned, notwithstanding his Infancy; and for other Purposes therein also mentioned.*

39. *An Act for establishing a Town near* Roy's *Warehouse, in the County of* Caroline; *and for other Purposes therein mentioned.*

40. *An Act to impower* Peter Hedgman, *Gent. to lay out and apply the Rents and Profits of certain entailed Lands therein mentioned, whereof* William Brent *lately died seised, towards paying the Debts of the said Decedent; and for other Purposes therein mentioned.*

41. *An Act to enable* Susanna Cooper *to sell and dispose of her Personal Estate, by Deed or Will, notwithstanding her Husband,* Isles Cooper, *shall happen to be living; and for other Purposes therein mentioned.*

42. *An Act to dock the Entail of certain Lands therein mentioned, and to vest the same in* Francis West, *in Fee-Simple; and to settle other Lands, of greater Value, to the same Uses.*

43. *An Act to vest certain Lands therein mentioned, whereof* George Carter, *Esq; lately died seised, in Fee-Simple, in certain Trustees therein named, to be Sold, for the Performance of his Will.*

A. D. 1744. Private Acts.

Chap. 44. *An Act to vest certain Lands therein mentioned, in the Persons who have purchased under the Feoffees and Trustees of the Town of* Tappahanock.

45. *An Act for vesting Three Hundred and Ninety Four Acres of Land, with the Appurtenances, in the County of* King William, *whereof* William Banks *is seised, in Fee-Tail, in* John Norton, *Gent. in Fee-Simple; and for settling several Slaves therein named, in Lieu thereof, to the same Uses.*

Expired. 46. *An Act for raising a Public Levy.*

Signed by WILLIAM GOOCH, *Esq; Governor.*
JOHN ROBINSON, *Jun. Speaker.*

A. D. 1745. WILLIAM GOOCH, Esq; Governor.

At a GENERAL ASSEMBLY, summoned to be held at the Capitol, in the City of *Williamsburg*, on *Thursday* the Sixth Day of *May*, in the Fifteenth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued, by several Prorogations, to *Thursday* the Twentieth Day of *February*, in the Nineteenth Year of His said Majesty's Reign, and in the Year of our Lord, 1745. Being the Third Session of this Assembly.

CHAP. I.

An Act for reducing the Laws made, for laying a Duty on Liquors, into One Act of Assembly. (a)

Preamble.

I. WHEREAS the several Acts of Assembly, made *For laying a Duty upon Liquors*, have, by Experience, been found useful and beneficial, in lessening the Poll-Tax, by raising a Fund for defraying Part of the necessary Expences of this Government, and for the better Support of the College of *William* and *Mary*, in this Colony; which said Acts will expire the Tenth Day of *June*, One Thousand Seven Hundred and Forty Seven: And whereas thro' the various Alterations and Amendments of the said Acts, they are rendered difficult to be understood, whereby several Penalties may be incurred by the more ignorant Sort, for want of sufficient Knowledge of the same; and this present General

(a) This Act expires *June* 10, 1751, but is further continued, and an additional Duty laid, by Ch. 52, 1748.

General Assembly having thought it expedient that the said Laws should be re-enacted, with some Amendments, and reduced into One Act: A. D. 1746.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted by the Authority of the same,* That for every Gallon of Rum, Brandy, and other distilled Spirits; and for every Gallon of Wine, which, from and after the said Tenth Day of *June*, shall be imported or brought into this Colony and Dominion, either by Land or Water, from any Port or Place whatsoever, the Duty or Custom of Two Pence shall be paid, by the Owner or Importer of the same, for and during the Term of Four Years: And that one other Duty of One Penny for every Gallon of the said Liquors, which shall be imported or brought into this Colony, shall be paid, by the Owner or Importer thereof, for and during the Term of Eleven Years: And for every Gallon of Cyder, Beer, or Ale, which shall be imported or brought into this Colony and Dominion, as aforesaid, from any Port or Place whatsoever, the Duty or Custom of One Penny shall be paid, by the Owner or Importer of the same, for and during the said Term of Four Years.

Rum, &c. and Wine imported after 10th *June*, 1747, to pay a Duty of 2 *d.* a Gallon, for four Years:

And 1 *d.* a Gallon, for 11 Years.

Cyder, Beer, and Ale, to pay 1 *d.* for 4 Years.

III. *PROVIDED nevertheless, and it is hereby Enacted and Declared,* That no Duty or Custom whatsoever, shall be paid or required, for any of the Liquors before enumerated, that shall come directly from *Great-Britain*; but all such Liquors shall remain and continue exempt and free from any Imposition, Duty, or Custom, imposed or required by this Act, as if the same had never been made.

Proviso. No Duty to be paid for any of the said Liquors, imported directly from *Great-Britain*.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Master or Purser of of every Ship or other Vessel, importing Liquors liable to a Duty or Custom by Virtue of this Act, to any Port or Place within this Colony and Dominion, shall, within Eight and Forty Hours after his Arrival, make a true and just Report, upon Oath, with the Collector of the Duties upon Liquors in the said Port or Place, of the Burthen, Contents, and Loading of such Ship or Vessel, with the particular Marks and Numbers of every Cask therein laden with Liquors, and to whom consign'd, to the best of his Knowledge; and also where and in what Port the same were laden and taken on board; upon Penalty of forfeiting One Hundred Pounds Current Money.

Master or Purser of every Vessel, importing Liquors, to make Entry, upon Oath, within 48 Hours after Arrival, under a Penalty.

V. *AND be it further Enacted,* That no Liquors, liable to the said Duties, imported or brought into this Colony by Water, by any Person or Persons whatsoever, shall be landed or put on Shore, until due Entry made thereof, with the Collector of the Duties upon Liquors in such Port or Place, and a true Account of the Marks, Numbers, and Contents of every Cask, at that Port or Place where the same was shipped or taken on board, given upon Oath, either before the said Collector, or some Justice of the Peace of this Colony, who shall certify the same upon the Back of the original Invoice of such Liquors, or a true Copy thereof to him produced; and thereupon such Importer, paying the Duties laid by this Act, or securing the Payment thereof, shall obtain a Permit, under the Hand of such Collector, for the Landing or Delivery of the same: And all Liquors landed, put on Shore, or delivered, contrary to the true Intent and Meaning of this Act, or the Value thereof, shall be forfeited and lost; and may be seised or recovered, by any Officer of His Majesty's Customs, of the Port or Place where the same shall be put on Shore, or delivered, or by any other Person or Persons whatsoever: And the Owner or Importer of any of the Liquors aforesaid, by Land, shall, in like Manner, make due Entry of the same, within Six Days after the Importation, with the Collector appointed, in Pursuance of this Act, and give a true Account of the Quantity thereof, upon Oath, and pay the Duty hereby imposed, or give Bond, with good Security, for Payment thereof, within Six Months; and thereupon obtain a Permit, under the Hand of the said Collector, for selling or making Use of the same. And all Liquors imported by Land, without such Entry made, and Permit obtained, or the Value thereof, shall

Liquors not to be landed, before due Entry, upon Oath, before the Collector, or a Justice.

Importer paying or securing Duties, to obtain a Permit from Collector for landing the Liquors.

Liquors landed or delivered contrary to this Act, or the Value, forfeited, and may be seised, &c.

Owner or Importer of Liquors by Land, to make Entry within 6 Days, & pay or secure Duties; & to obtain a Permit for selling.

Liquors imported by Land, without Entry, and

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shall be forfeited; and may be recovered or seised by any Collector of the said Duties, or any other Person whatsoever.

Permit, or the Value, to be forfeited; and may be seised.

Proviso. Wine to be entered at 100 Gallons a Pipe; and lesser Casks in Proportion.

VI. *PROVIDED always*, That no Person shall be required to give Account, upon Oath, of the true Contents of any Pipe or lesser Cask of Wine imported, but shall have Liberty to enter a Pipe at One Hundred Gallons, and all lesser Casks after the same Proportion: Any Thing in this Act to the contrary, notwithstanding.

False Entry, Penalty 100 *l.*

VII. *AND be it further Enacted*, That if any Person or Persons whatsoever, shall wittingly or willingly, make a false Entry, and be thereof convicted, such Person or Persons shall forfeit and pay One Hundred Pounds Current Money.

If Duty be not paid or secured, within 10 Days after Entry of any Vessel, Collector may bring Liquors on Shore.

Collector or other Person, taking any Bribe, or conniving at a false Entry, to forfeit 100 *l.* disabled and rendered incapable of any Office in the Customs.

Persons giving or offering such Bribe, forfeit 100 *l.*

VIII. *AND be it further Enacted*, That the Collectors of the Duties or Customs upon Liquors, or any Person by them appointed, shall have full Power and Authority to go and enter on board any Ship or other Vessel, and from thence to bring on Shore any Liquors liable to a Duty by Virtue of this Act, if such Duty be not paid or agreed for within Ten Days after the First Entry of such Ship or Vessel, or Bond with good and sufficient Security given, for Payment of the same, within Six Months next after such Entry; which Bond, if offered, the Collector is hereby authorised and required to accept and take; and such Liquors so brought on Shore, to secure and detain, until due Entry and Payment made, or Security given for the same, as aforesaid; and they are also impowered to stay and remain on board such Ship or Vessel, until all such Liquors be discharged and delivered out of the same: And if any Collector or Collectors of the said Duties, or any other Person or Persons, deputed or appointed by them, or any of them, shall, directly or indirectly, take or receive any Bribe, Recompence, or Reward, in any Kind whatsoever; or shall connive at any false Entry of Liquors, liable to a Duty or Custom by Virtue of this Act; the Person or Persons so offending, shall forfeit and pay the Sum of One Hundred Pounds Current Money, and be for ever afterwards disabled in his said Office, and rendered incapable of holding any Office or Employment relating to the Customs, within this Colony; and the Person or Persons giving or offering such Bribe, Reward, or Recompence, shall forfeit and pay One Hundred Pounds Current Money.

Collector may enter, or break open, by Warrant from a Justice, and in Company of a Constable, any House, to search for, & seise Liquors, for which the Duty is not paid or secur'd.

Officers sued for any Thing done in Pursuance of this Act, may plead the General Issue.

On Nonsuit, or Judgment against Plaintiff, Defendant to have double Costs.

In Suits bro't on Seisures of Liquors, *Onus Probandi* to lie on the Owner or Claimer.

IX. *AND be it further Enacted*, That it shall be lawful to and for all and every Collector and Collectors of the Duties upon Liquors, by Warrant under the Hand of a Justice of Peace, (which Warrant shall not be granted, but upon an Information made to him, upon Oath) and accompanied with a Constable, to break open, in the Day Time, any House, Warehouse, or Storehouse, to search for, seise, and carry away any Liquors, liable to a Duty by this Act, and for which the said Duty shall not have been paid, or secured as aforesaid: And if any Collector or Constable shall be sued or molested for any Thing done in Execution of the Powers hereby given them, such Collector or Constable may plead the General Issue, and give this Act in Evidence: And if in such Suit the Plaintiff be Nonsuit, or Judgment pass against him, the Defendant shall recover double Costs. And in all Actions, Suits, or Informations to be brought, or where any Seisure of Liquors shall be made, if the Property thereof be claimed by any Person as the Importer or Owner thereof, in such Case the *Onus Probandi* shall lie upon such Owner or Claimer.

Persons to whom Liquors are consigned, to pay the Duty to the Master or Owner of the Vessel importing the same.

X. *AND be it further Enacted*, That when any Liquors shall be consigned to any Person, other than the Master or Owner of the Ship or Vessel importing the same, every such Person to whom such Liquors shall be so consigned, shall, upon the Importation thereof, pay to the Master or Owner of the Ship or Vessel importing the same, the Duty payable for such Liquors, by this Act: And if any Person or Persons to whom such Liquors shall be consigned, as aforesaid, shall refuse or neglect to pay the said Duty, or give Bond, with Security, for the Payment thereof, to the Master or Owner of the Ship or Vessel importing the same,

same, at such Time as the same shall become payable; it shall and may be lawful for the Master or Owner of such Ship or Vessel, to detain such Liquors until the Duty shall be paid, or secured to be paid, as aforesaid.

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On Refusal or Neglect, Master or Owner may detain for the Duty.

XI. *PROVIDED always, and it is hereby Enacted and Declared,* That if the Owner or Importer of any Liquors, of which the Duties or Customs shall be paid, or secured to be paid, within Six Months after the Importation thereof in this Colony and Dominion, be desirous to export the same, or any Part thereof; in such Case, the Person intending to export the same, shall give a particular Account of the Marks, Numbers, and Contents of the Casks or Vessels containing the Liquors he intends to export, to the Collector of such District from whence the same is to be shipped for Exportation, together with the Name or Names of the Person or Persons from whom the same was bought; and shall subscribe it also, and make Oath thereto before the said Collector; at which Time he shall also declare, upon Oath, that the said Liquors shall be directly carried out of this Dominion, and not sold, delivered, or put on Shore within the same, or brought back again, without making a new Entry, and paying the Duty; and shall also deliver, to the Collector aforesaid, an Account in what Vessel the same was entered, at Importation, with the Oath of the Person or Persons by whom it was imported, that the Duty or Custom thereof was, at the Time of Entry, duly paid, or secured to be paid, according to Law; and then it shall and may be lawful for the Collector where the Duty or Custom for the same was paid, or secured to be paid, and he is hereby required and enjoined to allow the said Exporter the whole Duty or Custom paid, or secured to be paid, for the said Liquors, so to be exported: Any Thing in this Act to the contrary, notwithstanding. But if any Person or Persons shall export Liquors, on which there is a Drawback, to the Province of *Maryland*, before such Person exporting the same shall be intitled to the Drawback thereof, he shall produce to the Collector of the Duties from whose District the same was exported, a Certificate, under the Hand of the Officer of the Customs in *Maryland*, that the said Liquors were entered and landed there.

Drawback on Liquors, exported within 6 Months.

Oath to be taken by Exporter.

Exporters of Liquors to *Maryland*, to produce a Certificate that the Liquors were entered and landed there, before intituled to Drawback.

XII. *AND be it further Enacted,* That no Drawback shall be allowed to any Person or Persons, exporting Liquors out of this Colony by Land: Any Clause herein contained to the contrary, notwithstanding.

No Drawback to be allowed to Exporters of Liquors by Land.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That if any Importer of the Liquors in this Act mentioned, shall desire to transport the same from one District to another, within this Colony, he shall, before he depart out of the District wherein such Liquors shall be laden or taken on board, make Oath, before the Collector of the Duties in the said District, or some Justice of the Peace, that he hath duly entered such Liquors, and paid, or secured to be paid, all the Duties by this Act imposed; and also deliver, upon Oath, an Account of the true Quantity so taken on board, to be transported; and that he will not take, or suffer to be taken on board the said Ship, Boat, or other Vessel, any more Liquors than in the said Account shall be specified, and shall likewise take a Certificate from such Collector, or Justice of the Peace, of the Quantity of Liquors then on board, and that such Oath hath been made, thereto; which Certificate being produced to the Collector of the Duties in the District to which the said Liquors shall be transported, shall be a sufficient Warrant for the Owner thereof to sell the same in such other District: And all Liquors on which there is a Duty, which shall be transported by Water, from one District to another, and landed or sold, without producing such Certificate as aforesaid, to the Officer into whose District the same shall be transported, shall be liable to be seised and forfeited.

Liquors may be transported from one District to another, on making Oath to the Payment of the Duties, and obtaining a Certificate thereof, & of the Liquors then on board.

Liquors landed or sold, without such Certificate produced to the Officer, to be seised, and forfeited.

XIV. AND for an Encouragement to import Money into this Colony and Dominion, *Be it further Enacted,* That if any Person or Persons shall pay any of the Impositions, Duties, or Customs, accruing due by Virtue of this Act, in good

For Encouragement to import Money, Duty paid in imported Money,

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Money, 15 *per Cent.* allowed. Oath to be made by Importer. Certificate thereof to be produced, & Collector to indorse Receipts of lesser Sums thereon.

good and lawful Money, of his or their own Importation into this Dominion, and shall make Oath, that he or they did import the same, and did not carry it out of this Colony, with an Intent to bring it back again, and that it was not exchanged in any adjacent Province, for Monies carried out of this Colony, with Intent to obtain any Benefit thereby, such Person or Persons, upon producing a Certificate of such Oath, shall have an Abatement and Allowance of Fifteen *per Cent.* in all Duties so paid and satisfied; and every Collector of the said Duty is hereby authorised and required to make such Allowance, until such Sum or Sums of Money imported, shall be paid away; and upon Payment of any lesser Sum than is mentioned in the said Certificate, to such Collector of the Duties upon Liquors, such Collector shall indorse the Sum by him received, on the Back of such Certificate.

Scire Facias may issue, in the Name of the King, on Bonds for the Payment of the Duties upon Liquors, & Execution to issue.

XV. AND for preventing Delays in the Payment of the said Duty, *Be it Enacted, by the Authority aforesaid,* That where any Person shall become bound for the Payment of the said Duties upon Liquors, and shall not pay the same at the Time limited, whether such Bond be payable to the King, or the Collector of the said Duties, it shall and may be lawful to and for the Collector, to sue out of the General Court, or the Court of the County wherein such Person or his Securities respectively reside, one or more Writ or Writs of *Scire Facias*, in the Name of the King, His Heirs and Successors, returnable to the said Court, against the Person or Persons chargeable with the said Duties, and his or their Securities, their Executors or Administrators, to shew Cause why Execution ought not to issue against him, them, or any of them, for the Duties so unpaid, and thereupon to sue out Execution accordingly.

Forfeitures appropriated One Third to the King, One Third to the Governor, the other Third to the Informer.

XVI. *AND be it further Enacted,* That the several Forfeitures and Penalties which shall or may arise, by Virtue of this Act, shall be divided into Three equal Parts; One Third Part thereof shall be to our Sovereign Lord the King, His Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; One Third Part to the Governor of this Colony, for the Time being, to and for his own proper Use and Behoof; and the other Third Part to him or them that will inform or sue for the same:

How to be recovered.

To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Colony and Dominion; wherein no Essoin, Protection, or Wager of Law shall be allowed.

Collectors to be appointed by Governor and Council: Their Salary not to exceed 6 *per Cent.*

XVII. *AND be it further Enacted,* That the Governor or Commander in Chief of this Colony, for the Time being, with the Advice of the Council, shall be, and is hereby impowered, from Time to Time, and at all Times hereafter, to nominate, constitute, and appoint such and so many Collectors of the Duties laid by this Act, upon Liquors, and also such Salaries, not exceeding Six in the Hundred, for collecting the said Duties, as to him shall seem best.

Monies raised by this Act, to be paid to the Treasurer. Collectors to account with the Treasurer, upon Oath.

XVIII. *AND be it further Enacted, by the Authority aforesaid,* That all and every such Sum or Sums of Money, which shall be raised, collected and levied, by the said Duties, the necessary Charges of collecting, managing and accounting for the same, always excepted, shall, from Time to Time, be accounted for and paid, by the respective Collectors thereof, to the Treasurer of *Virginia*, for the Time being, upon Oath; which Oath the said Treasurer is hereby impowered to administer; and by the said Treasurer accounted for to the General Assembly of this Colony, upon Oath: And that all and every such Sum and Sums of Money, which shall be raised, collected, and levied, by the said Duties of Two Pence for every Gallon of Wine, Rum, Brandy, and other distilled Spirits; and One Penny upon every Gallon of Cyder, Beer, and Ale, over and above the necessary Charges aforesaid; are, and shall be appropriated, issued, applied, and disposed, to such Use or Uses, as the General Assembly, from Time to Time, shall think fit to direct, for lessening the Levy by the Poll, or defraying any Public Expence, and to and for no other Use whatsoever. And that all and every Sum and Sums

Duties appropriated. 2 *d.* a Gallon on Wine, *&c.* & 1 *d.* a Gallon on Cyder, *&c.* for lessening the Public Levy.

of

of Money, to be raised and levied out of the Duty of One Penny upon every Gallon of Wine, Rum, Brandy, and other distilled Spirits, by this Act imposed, as aforesaid, is, and shall be appropriated to the Relief of the College of *William* and *Mary*, in this Colony, for and during the said Term of Eleven Years; and shall be paid, by the said Treasurer, Half-Yearly, in equal Portions, unto the President and Masters of the College, and their Successors; and shall be applied and disposed of for the founding Scholarships, and such other good Uses, for the better Support of the College, as by the Visitors and Governors of the said College, or the greater Part of them, shall, from Time to Time, be directed and appointed, and not otherwise; and shall be accounted for to the Assembly. *A. D.* 1746. 1 *d.* a Gallon on Wine, *&c.* for Relief of the College, to be paid Half-Yearly, to the President and Masters; and for what Uses. And to be accounted for to the Assembly.

XIX. *AND be it further Enacted, by the Authority aforesaid*, That all *Madeira* Wine, imported by His Majesty's Lieutenant Governor, or the Governor and Commander in Chief of this Colony, for the Time being, not exceeding Ten Pipes in One Year, for his own Use, be, and are hereby exempted from the Payment of the Duties imposed upon Wine imported: Any Thing in this Act contained to the contrary, notwithstanding. No Duty to be paid for *Madeira* Wine imported by the Governor, for his own Use, not exceeding Ten Pipes in One Year.

XX. *AND be it further Enacted*, That all Collectors of the Duties imposed by this Act, be, and are hereby required to account with the Treasurer, every Half Year, *(to wit,)* on the Twenty Fifth Day of *April*, and the Twenty Fifth Day of *October*, in every Year, or within Fifteen Days afterwards; upon Pain of forfeiting One Half of their Commissions, to be deducted out of their Accounts by the Treasurer, and by him carried to the Credit of the Public Treasury. Collectors when to account. Penalty for Neglect.

CHAP. II.

An Act for continuing the Act, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers.* Expires *July* 31, 1751.

I. WHEREAS by an Act of Assembly, made in the Fifteenth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Act*, intituled, *An Act for laying a Duty upon Slaves, to be paid by the Buyers*, several other Acts therein mentioned, were confirmed and further continued; all which will expire on the last Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Forty Seven: And the said Duty having, by Experience, been found easy, to the Subjects of this Colony, and no ways burthensome to the Traders in Slaves, and at this Time very necessary to be continued, for supporting the Public Expence, Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the said recited Act, and the several Acts therein mentioned, for so much thereof as relates to the Duty upon Slaves, shall continue and be in Force, from the said last Day of *July*, One Thousand Seven Hundred and Forty Seven, for and during the Term of Four Years, thence next following, and no longer. Former Acts for laying a Duty upon Slaves, continued for 4 Years, from the last Day of *July*, 1747.

Chap. 3. *An Act to amend the Act, for establishing the General Court; and for regulating and settling the Proceedings therein.* REP. Ch. 6. 1748.

4. *An Act for Revisal of the Laws.* Had its Effect.

Chap.

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Ch. 51, 1748. Chap. 5. *An Act for further amending the Act, intituled, An Act for reducing the Laws made for amending the Staple of Tobacco; and for preventing Frauds in His Majesty's Customs into one Act of Assembly.* REP.

CHAP. VI.

Further continued by Ch. 57, 1748.

An Act for the better Regulating and Collecting certain Officers Fees; and other Purposes therein mentioned.

I. BE it *Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Commencement of this Act, it shall and may be lawful to and for the Secretary of this Colony, for the Time being, and all County Court Clerks, Sheriffs, Coroners, Constables, and Surveyors, respectively, to demand, receive, and take the several Fees herein after mentioned and allowed, for any Business by them respectively done, by Virtue of their several Offices, and no other Fees whatsoever: That is to say,

To the Secretary.

Secretary's Fees.

	l.	s.	d.
For making out, sealing, and recording, at large, a Patent for Land, before the same shall be recorded,	0	8	0
For making out, sealing, and recording, at large, a Patent commonly called a double Patent, before the same shall be recorded,	0	12	0
For Parchment for every Patent,	0	2	6
For recording every Warrant on an Escheat, and the Inquisition thereupon,	0	11	6
For a Copy thereof, the same.			
For every Pass,	0	10	0
For every Freedom for a Ship or Vessel,	0	10	0
For every Testimonial,	0	10	0
For every Writ, in the Nature of an *Ad quod Damnum*, to be paid upon issuing such Writ,	0	5	0
For recording the same, with the Inquisition thereupon, to be paid before Inquisition be recorded,	0	11	6
For a Copy of such Writ, and Inquisition, to be paid down,	0	5	0

	Pounds of Tobacco.
For taking a Bond upon issuing Injunctions in Chancery,	25
For a Copy of a double Patent,	40
For a Copy of any other Patent,	30
For the Probation of any Testament, and recording the same; for entering the Orders for appraising the Estate, recording the Inventory, writing and sealing the Probate, or any other Matters concerning the same; or for a Commission of Administration of the Goods of any Person dying intestate; for entering the Order or Orders for appraising the Estate, recording the Inventory, or for any other Matter concerning the same, where the Appraisement doth not amount to above One Hundred Pounds,	200
Or where the Appraisement exceeds One Hundred, and is under Five Hundred Pounds,	300
Or where the Appraisement exceeds Five Hundred Pounds, or there is no Appraisement,	400
For a Copy of a Probate, or Commission of Administration,	40
For recording the Certificate of a Probate, or Administration,	40

For

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For a Copy of a Will, or Inventory,	40
And if the Original is contained in more Sheets than One, for a Copy of every such Sheet,	30
For every Hue and Cry, signed by the Governor,	30
For a Copy of an Act of Assembly,	40
For a Copy of an Account,	20
For recording of a Deed or Deeds for the conveying or settling any Lands or Tenements only, or together with Slaves or personal Estate, or any way concerning the same, acknowledged or proved in the General Court,	150
For a Copy of such Deed or Deeds, with the Indorsements thereon; and for a Certificate of the Acknowledgment or Proof, and Recording,	90
For issuing a Commission to take the Acknowledgment and privy Examination of a Feme Covert, and recording it with the Return of the Commissioners,	50
For a Copy thereof,	30
For recording a Deed concerning Slaves, or any personal Matter only,	70
For a Copy thereof, with a Certificate of the Acknowledgment or Proof, and Recording,	40
For recording a Letter of Attorney, acknowledged and proved in the General Court, and every Thing relating to it,	70
For a Copy thereof,	40
For recording a Bond, with Condition, other than for Performance of Covenants in Deeds of Conveyance, or Settlement of Land,	40
For a Copy of a Bond, with Condition,	20
For recording a Certificate of Rights,	15

In Actions, and other Suits,

For every *Dedimus Protestatem*, Writ of Error, *Supersedeas*, or *Scire Facias*,	25
For taking Bond, on issuing a Writ of Error, or *Supersedeas*,	25
For every other Writ, in any Action or Suit whatsoever,	20
For entering the Sheriff's Return, and entering the Bail by him returned, in the Rule Book,	20
For entering special Bail,	20
For entering the Personal Appearance of the Plaintiff or Defendant, or, the Appearance of an Attorney for either Party,	10
For entering Security for Costs for Persons out of the Country,	20
For filing a Declaration, and every Plea or Demurrer, in any Cause, to the making up of the Issue, and for filing Errors upon Appeals, Writs of Error, or *Supersedeas*,	20
For a Copy of every Declaration, Plea or Demurrer, or of Errors,	20
For every Rule, entered in the Rule Book,	20
For a Copy of every Rule,	10
For every Order in Court before Trial,	10
For a Copy of the same,	10
For filing Papers of each Party, in any Action or Suit,	15
For docketing every Cause on the Docket, to be charged but once,	10
For every Trial, swearing the Jury and Witnesses, and recording a General Verdict,	50
For administring an Oath of Affirmation in Court, except Witnesses, to a Jury,	10
For every Trial where there is a special Verdict, swearing the Witnesses and Jury, and recording such Verdict,	75
And where there is no Jury, but a Case agreed,	25
For swearing Witnesses for each Party in every Cause, where there is no Jury,	15
For a Copy of a Case agreed, or Notes of a special Verdict,	25
For entering every Order made in Court, after Verdict or Demurrer joined,	10

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For entering every Continuance on the Court Docket,	10
For entering every Judgment,	10
For recording the Report of Auditors, when it is desired,	40
For making a compleat Record in every Cause, inserting a Case agreed, or special Verdict at large from the Notes; and all Deeds and other Evidences at large; for every Twenty Words,	1
For a Copy thereof, or any Part thereof, the same.	
For filing Bill, Answer, Replication, or other Pleadings in Chancery, each,	15
For a Copy thereof, for every Twenty Words,	1
For entering every Decree,	10
For drawing up every Decree at large, entering the Substance of the Bill, Answer, and other Pleadings, the Substance of the Evidence, and the Decree thereupon, for every Twenty Words,	1
For filing the Depositions in every Cause, in behalf of each Party,	15
For a Copy of the Depositions, for every Twenty Words,	1
For a Recognizance in Court,	20
For entering an Appeal to *England*, and taking Bond,	50
For filing the Record upon an Appeal, Writ of Error, or *Supersedeas*, from a County Court, or any inferior Court,	15
For a Copy of such Record, for every Twenty Words,	1
For filing the Return of a *Certiorari*, or *Habeas Corpus*,	15
For taxing the Costs in any Action or Suit, and a Copy thereof,	20
For every Petition for lapsed Land, for writing it, and issuing a Summons thereon,	50
For every Order thereon,	15
For recording any Thing not herein particularly mentioned, or for a Copy thereof, for every Twenty Words,	1
For a Search for any Thing if above a Year's Standing, or reading the same, or any Part thereof, if required,	10
For every Order to a Witness for Attendance, to be charged to the Party against whom such Order goes,	10

II. WHICH said several Fees herein before expressed, shall be charged to the Party at whose Instance the Business shall be performed, except where it is otherwise directed: And that the Fees herein after mentioned and allowed to the Secretary, shall be charged to the several Counties respectively for whose Service the Business shall be performed; and shall be by the Justices levied on the Inhabitants thereof: That is to say,

For a Commission of the Peace, and *Dedimus*, to administer the Oaths, and Recording the same,	160
For a Commission of *Oyer* and *Terminer*, and *Dedimus*, to administer the Oaths, to be repaid the County by the Public,	100
For a Writ for Electing of Burgesses,	350
For filing an Inquisition, on View of a dead Body, and recording the same; which shall be repaid the County out of the Estate of the Deceased, if sufficient,	50

To the County Court Clerks.

Clerks Fees.

	Pounds of Tobacco.
For taking a Bond upon issuing Injunctions in Chancery,	20
For recording Deeds of Lease and Release, for conveying or settling of Lands only, or together with Slaves and Personal Estate; Bond to perform Covenants; Certificate of the Proof, or Acknowledgment, as the Case is; and all Matters relating thereto,	150
For a Copy thereof,	55
For recording every Deed of Feofment, or Bargain and Sale, or other single Deed, for conveying or settling Lands and Tenements only, or together with Slaves and Personal Estate; Bond to perform Covenants; Certificate of the Proof, or Acknowledgment, as the Case is; and all Matters relating thereto,	100

For

For a Copy thereof,	40
For issuing and recording a Commission to take the Acknowledgment and privy Examination of a Feme Covert, with a Certificate of the Commissioners, if such Commission be required,	40
For a Copy thereof,	20
For recording a Patent,	50
For a Copy thereof,	25
For recording a Deed for Land from the Proprietors of the *Northern-Neck*,	50
For recording a Deed concerning Slaves, or any Personal Matter or Thing only, with the Certificate of its Proof or Acknowledgment,	40
For a Copy thereof,	30
For recording a Letter of Attorney,	30
For a Certificate of the Proof or Acknowledgment thereof,	10
For a Copy of a Letter of Attorney, with such Certificate,	25
For recording a Bond, with Condition, other than for Performance of Covenants in Deeds of Conveyance, or Settlement of Lands,	20
For a Copy of a Bond, with Condition, other than an Appeal Bond, the same.	
For a Copy of any other Obligation, or promisory Note,	10
For the Probation of any Will or Testament, and recording the same; entering the Order or Orders for appraising the Estate; and for any other Matter concerning the same, where the Will shall be contained in One Sheet,	40
And if the Will is contained in more than One Sheet, for every such Sheet,	20
For a Commission of Administration of the Goods of any Person dying intestate; for entering the Order or Orders for Appraisement; and for any other Matters concerning the same,	40
For recording an Inventory, where the Appraisement doth not amount to above Ten Pounds,	10
Where the Appraisement exceeds that Value, and is under Fifty Pounds,	50
And where it shall exceed Fifty Pounds, and is under One Hundred Pounds,	100
And where it shall exceed One Hundred Pounds, or there is no Appraisement,	250
For a Copy of a Will or Inventory, if the Original is contained within One Sheet,	30
If the Original is contained in more Sheets than One, for a Copy of every such Sheet besides the First,	20
For a Copy of an Act of Assembly,	40
For recording the Age of a Servant or Slave, adjudged in Court,	10
For a Certificate thereof, if required,	8
For a Certificate of any Person's Departure out of the Country,	15
For attending a Court for Examination of Criminals, and Trial of Slaves, if the Court is held for that Purpose; to be paid by the County, and repaid by the Public.	200
For a Copy of a List of Tithables, taken by a Justice in his Precinct,	20
For the whole Fee for an Ordinary License, and Bond,	50
For a Copy of the Rates of Liquors,	15
For a Marriage License, Certificate, and Bond,	50
For proving Rights for Land, produced at One Time, belonging to One Person, and Certificate thereof,	13
For every Search for any Thing, above a Year's Standing,	5
For reading any Thing, if a Copy be not required,	5

In Actions, and other Suits.

	Pounds of Tobacco.
For every Writ, other than such as are herein after particularly mentioned,	10
For a Copy of such Writ,	5
For every Writ of Execution, or *Scire Facias*,	15
For a Copy thereof,	8

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For recording the Return thereof,	8
For a Writ of Attachment, in any Action,	15
For recording the Return thereof,	15
For an Attachment, granted by a Justice of the Peace, returnable to the Court, and recording the Return, and putting the same on the Docket,	20
For every Summons, to summon a Garnishee on such Attachment,	10
Filing every Bail Bond, or entering the Bail returned,	10
For docketing every Cause, except by Petition, to be charged but once,	5
For a Copy of the Return of any Writ,	3
For entering special Bail,	10
For entering Security for Costs, for Persons out of the Country,	10
For entering the Appearance of the Defendant or Defendants, where there is no Attorney in any Suit, except by Petition,	5
For entering one or more Attornies for each Party,	5
For every Petition Declaration, or other Pleadings, except in Suits by Petition, for Debt, Detinue, Assumpsit, or Trover,	10
For a Copy of any Declaration, special Pleading or Demurrer,	10
For a Copy of a Plea, if the General Issue,	3
For every Trial, swearing the Jury and Witnesses, filing all Papers, and recording a General Verdict,	40
For every Trial, where there is a Special Verdict, or Case agreed, and recording the same,	65
For swearing the Witnesses, in every other Cause, where there is no Jury, or Case agreed, except by Petition,	10
For filing the Papers of each Party, in every Cause, except by Petition, and where there is a Jury or Case agreed,	10
For a Copy of a Special Verdict, or Case agreed, and every Thing therein set forth, or for making up a full and complete Record, for every Thirty Words,	1
For entering every Judgment, or for a Copy thereof,	10
For filing a Bill, Answer, Replication, and other Pleadings in Chancery, for each,	10
For a Copy thereof, for every Thirty Words,	1
For a Commission to examine Witnesses,	25
For attending, and writing Depositions, taken against Inspectors, before Justices of the Peace,	100
For entering every Decree in Chancery,	15
For filing the Depositions in any Suit, for each Party,	5
For every Deposition taken in Court,	10
For a Copy of a Deposition,	10
For administring an Oath in Court, not relating to the Trial of any Cause there depending, and certifying the same,	10
For every Recognizance in Court,	10
For entering the Order or Orders, in any Cause, in one Court,	15
For entering every Order, for Attendance of Witnesses,	10
For a Copy of any Order,	10
For recording the Report of a Jury, in the County, Surveyor, Auditor, or Viewers,	20
For a Copy thereof,	20
For taxing Costs, to any Judgment or Decree, where Costs are recovered, or for a Copy of a Bill of Costs, if required,	11
For a Copy of an Account,	10
For entering an Appeal, and taking Bond to prosecute it,	20
For a Copy of the Bond,	10
For returning an Appeal, and Security to the Secretary's Office,	30
For returning Writ of Error, *Supersedeas*, *Certiorari*, or *Habeas Corpus*,	20
For a Copy of the Proceedings of the Cause, wherein the Appeal is granted, for every Thirty Words,	1
For recording the Acknowledgment of Satisfaction of a Judgment,	10

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For entering each Order, for a Witness's Attendance, to be charged to the Party in whose Behalf the Witness is summoned, and taxed in the Bill of Costs, if such Party recover,	10
For a Copy thereof, to be taxed and charged in like Manner,	10
For an Attachment thereon, to be charged to the Party against whom such Attachment shall be issued,	10
For the whole Fee chargeable, for every Petition, for Debt, Detinue, Assumpsit, or Trover, and all the Proceedings therein, including a Copy of the Judgment, and taxing Costs, if repuired, except the respective Fees, for summoning Witnesses, entering Attornies, for every Order for Continuance, and for issuing Execution, where any of those Matters happen,	50
For entering an Attorney in such Petitions, to be paid by the Party by whom such Attorney shall be employed, and not to be taxed in the Bill of Costs,	5
For a Summons for several Witnesses, living in one County, if Summons's for all be taken out at one Time,	10
For recording any Thing not herein particularly mentioned, or for a Copy thereof for every Thirty Words,	1
For the Acknowledgment and Proof of any Deed, in the County Court, and for certifying the same, to be recorded in the General Court,	30

III. AND if any Plaintiff, or Defendant, or his or her Attorney, shall take out Copies of his or her own Declaration or Pleadings, or of his or her own Papers, in any Cause, or of any Common Order made in such Cause, the Charge of such Copies shall not be allowed in the Bill of Costs, although such Party recover: And where more Attornies than one shall be employed, in any Cause on one Side, if such Attornies take out more than one Copy of any Thing, necessarily relating to the Suit, yet no more than one Copy shall be allowed in the Bill of Costs; neither shall the Clerk tax any Fee, in the Bill of Costs, for entering any more than one Attorney, although Costs shall be adjudged against the adverse Party. Rules in taxing Costs.

For all Public Services of the Clerk, *viz.* Entering and issuing Copies of Orders, for appointing Surveyors of High-ways, appointing Constables, Grand-Juries, taking the List of Tithables, entering Guardians Accounts, and all Matters relating thereto; binding out poor Orphans, and appointing Guardians, entering the Levy, and Copies thereof, and of the List of Tithables for the Collector; and for entering and issuing the Orders, except against Guardians, where they shall stand out in Contempt, to be charged to such Guardian; and issuing the Orders for recommending Sheriffs, and Justices, and for Processioning; and all other Public Services, for which no particular Fee is allowed: To be levied annually, by the Justices of the County, besides Cask,	1200

IV. And when any Person or Persons, presented by the Grand-Jury, or prosecuted by the Church-wardens, shall be discharged from any such Presentment or Prosecution, the Clerk shall charge no Fees for the same, or any Matter relating thereto; but the same shall be deemed to be included in the Public Services: But if the Party or Parties so presented or prosecuted, shall be convict, then, in such Case, the Clerk shall charge him, her, or them, so convict, with all the Fees accruing thereon. On Presentments by the Grand-Jury, or Prosecutions by Church-wardens.

V. AND where the Treasurer, for the Time being, shall prosecute or sue any Person or Persons, for Duties due or owing to him, and shall recover Judgment against him, her, or them, the Clerk of the Court wherein such Suit shall be brought, shall, and is hereby required, to charge all the Fees accruing thereon, to the Person or Persons against whom such Judgment shall be obtained; In Suits brought by the Treasurer for Duties.

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and for making up complete Records.

tained: And no County Court Clerk ſhall charge any Fee, for making up a complete Record, unleſs it be in Cauſes where the Title or Bounds of Land are determined, or when he is to tranſmit the Tranſcript of the Record of any Cauſe to the Secretary's Office, upon Appeals, or Writs of Error, *Habeas Corpus*, *Superſedeas*, or *Certiorari*.

Fee Bills to be produced.

VI. AND to the End, all Perſons chargeable with any of the Fees aforeſaid, may certainly know for what the ſame are charged: *Be it further Enacted*, That none of the Fees herein before mentioned, ſhall be payable, by any Perſon whatſoever, until there ſhall be produced, or ready to be produced, unto the Perſon owing or chargeable with the ſame, a Bill or Account, in Writing, containing the Particulars of ſuch Fees, ſigned by the Clerk or Officer to whom ſuch Fees ſhall be due, or by whom the ſame ſhall be chargeable, reſpectively; in which ſaid Bill or Account, is and ſhall be expreſſed in Words at Length, and in the ſame Manner, as the Fees aforeſaid are allowed, by this Act, every Fee, for which any Money or Tobacco is or ſhall be demanded.

Sheriffs Fees.

To the Sheriff.	Pounds of Tobacco.
For an Arreſt, Bond, and Return,	30
For returning a *Capias*, *Non eſt Inventus*,	10
For ſerving a *Scire Facias*,	15
For ſerving any Perſon with an Order of Court, and making Return thereof,	15
For Pillorying any Perſon,	20
For putting into the Stocks,	10
For ducking any Perſon,	20
For putting in Priſon, and Releaſement,	20
For ſerving a *Subpœna*, in Chancery,	15
For ſerving a Summons upon a Petition, for Debt, Detinue, Aſſumpſit, or Trover,	15
For ſerving a *Subpœna*, for a Witneſs, in any Cauſe in Court, except ſummoned in Court,	10
For ſummoning an Appraiſer, Auditor, Viewer, or Witneſs, to any Deed, Will or Writing, if required to be ſummoned, but not elſe,	10
For ſummoning and impannelling a Jury, in every Cauſe wherein a Jury ſhall be ſworn,	50
For going to *Williamſburg*, for a Commiſſion of *Oyer* and *Terminer*, for every Mile, beſides Ferriages, to be paid by the County, and repaid by the Public,	2
The ſame for returning.	
For coming to, and attending the General Court, with the *Venire*, and Return of the *Venire Facias*, the ſame as is allowed to a *Venire* Man; to be paid by the Public; and for attending the General Court, with ſtolen Goods, where there is no *Venire*, the ſame.	
For ſummoning the Juſtices of the County, and attending the Court of *Oyer* and *Terminer*, or for the Examination of a Criminal; to be paid by the County, and repaid by the Public,	200
For the removing of every Criminal, from the County Goal to the Public Goal, for every Mile; to be paid and repaid as aforeſaid,	5
For removing a Debtor, by *Habeas Corpus*, from the County Goal to the Public Goal, for ever Mile,	2
For executing every condemned Perſon, and all Fees incident; to be paid and repaid as aforeſaid,	250
For ſummoning a Jury upon any Inquiſition, Survey, Writ of Dower, or Partition, if the Jury appear,	150
And if the Jury do not appear,	75
For making a Return of a Writ of Dower, Partition, or in the Nature of an *Ad Quod Damnum*,	50
For every Day's Attendance upon a Jury in the Country, after they are ſworn, or Attendance upon a Surveyor, when ordered by the Court,	50

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For serving a Writ of *Habere Facias Seisinam*, or *Habere Facias Possessionem*,	50
For serving an Attachment upon the Body,	30
For serving a Declaration in Ejectment, if against one Tenant,	30
And if against more Tenants than one, for serving the Declaration on every other Tenant,	15
For whipping a Servant; to be paid by the Owner, and repaid by the Servant,	20
For whipping a free Person, by Order of Court; to be paid by such Person, the same.	
For whipping a Slave by Order of Court; to be paid by the County and repaid by the Public,	20
For serving an Execution for any Debt due in Tobacco, Five *per Cent.* for the first Thousand; Two *per Cent.* for all above One Thousand Pounds: If due in Money, Five *per Cent.* upon the first Hundred Pounds; and Two *per Cent.* for all above One Hundred Pounds.	
For serving an Attachment upon the Goods exceeding Three Pounds, if sold, the same Fee as for serving an Execution; where the Goods do not exceed that Value, or are not sold,	30
For every Garnishee summoned on such Attachment,	10
For serving and returning a General Court Writ, Summons, or Order, where the same is not comprehended in any of the foregoing Articles,	30
For making Proclamation, as the Law directs, in proving of Wills, or proceeding to Outlawry,	20
For selling a Servant at Public Outcry, by Order of Court, and all Fees incident,	20
For keeping and providing for a Debtor, in Goal, each Day,	10
For keeping and providing for a Runaway, or Criminal, in Goal, each Day; to be paid by the County, and repaid by the Public,	5
For serving a Justice's Warrant,	10
For summoning a Witness before a Justice,	5
For all Public Services of the Sheriff; *(to wit,)* attending the Courts of Claims and Grievances, impannelling Grand-Juries, publishing of Writs for electing of Burgesses, and Attendance; serving all Public Orders of Court, except against Guardians, where they shall stand out in Contempt, to be charged to such Guardian; and all other Public and County Service: To be levied annually, by the Justices, on the County, besides Cask,	1200

VII. AND when any Person or Persons, presented by the Grand-Jury, or prosecuted by the Church-wardens, shall be discharged of such Presentment, or Prosecution, the Sheriff shall charge no Fees for the same, but it shall be deemed to be included in the Public Services; but if the Party or Parties, so presented, or prosecuted, shall be convict, then, in such Case, the Sheriff shall charge him, her, or them, so convict, with all Fees accruing thereon.

On Presentments, &c.

To the Coroner.

Coroners Fees

	Pounds of Tobacco.
For taking an Inquisition on a dead Body; to be paid out of the deceased's Estate, if the same be sufficient, if not, by the County,	133
For all other Business, done by him, the same Fees as are allowed the Sheriff, for the same Services.	

To the Constable.

Constables Fees.

For serving a Warrant,	10
For summoning a Witness,	5
For summoning a Coroner's Jury, and Witnesses,	50
For putting into the Stocks,	10
For whipping a Servant; to be paid by the Owner, and repaid by the Servant,	10
For serving an Execution, or Attachment, returnable before a Justice,	10

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For ſerving an Attachment, returnable to the County Court, againſt the Eſtate of a Debtor, removing his Effects out of the County,	30
For whipping a Slave; to be paid by the Overſeer, if the Slave is under an Overſeer, if not, by the Maſter, One Shilling, or	10
For removing any Perſon, ſuſpected to become chargeable to the Pariſh; to be paid by ſuch Pariſh, for every Mile,	2
The ſame for returning.	

To the Surveyor.

Surveyors Fees.

	Pounds of Tobacco.
For every Survey, by him made, plainly bounded, as the Law directs; and for a Plat of ſuch Survey, after the Delivery of ſuch Plat, where the Survey ſhall not exceed One Thouſand Acres of Land,	500
For every Hundred Acres, contained in one Survey, and above the firſt Thouſand,	30
For ſurveying a Lot in Town,	20
And where the Surveyor ſhall be ſtopped or hindred, from finiſhing a Survey, by him begun; to be paid by the Party who required the Survey to be made,	250
For running a dividing Line,	250
For ſurveying an Acre of Land, for a Mill,	100

For every Survey of Land formerly patented, and which ſhall be required to be re-ſurveyed, and for a Plat thereof, delivered as aforeſaid, the ſame Fee as for Land not before ſurveyed: And where a Survey ſhall be made of any Lands which are to be added to other Lands, in an incluſive Patent, the Surveyor ſhall not be paid a ſecond Fee, for the Land firſt ſurveyed, but ſhall only receive what the Survey of the additional Land ſhall amount to.

And where any Surveys have been actually made, of ſeveral Parcels of Land adjoining, and ſeveral Plats delivered, if the Party ſhall deſire one incluſive Plat thereof, the Surveyor ſhall make out ſuch Plat, for Ten Shillings.

For running a dividing Line between any County or Pariſh; to be paid by ſuch reſpective Counties, or Pariſhes, in Proportion to the Number of Tithables, if Ten Miles or under,	1000
And for every Mile above Ten,	50

Lands aſſigned.

VIII. *PROVIDED always, and be it Enacted*, That where any Perſon ſhall employ a Surveyor, and ſhall have received a Plat of the Lands ſurveyed, and afterwards ſhall aſſign the Land to any other, either before or after obtaining a Patent for the ſame; if ſuch Perſon, for whom the Land was firſt ſurveyed, ſhall not have paid for the ſaid Survey, it ſhall and may be lawful, for the Sheriff of the County wherein ſuch Aſſignee ſhall reſide, at the Inſtance of ſuch Surveyor, to make Diſtreſs upon the Slaves, Goods, and Chattels, of ſuch Aſſignee, in like Manner as is herein after provided, for Surveyors, or other Officers Fees, refuſed or delayed to be paid.

Tables of Fees to be ſet up.

IX. *AND be it further Enacted*, That the Clerk of the Secretary's Office ſhall cauſe to be ſet up, in ſome Public Place in that Office, and there conſtantly kept, a fair Table of the Secretary's Fees herein before mentioned, on Pain of forfeiting Two Thouſand Pounds of Tobacco, for every General Court Day the ſaid Table ſhall be miſſing, thro' his Neglect; and that the Clerk of every County Court, ſhall, in like Manner, ſet up a fair Table of all the other Fees herein before mentioned, in the Court-houſe of his County, to be there conſtantly kept, on Pain of forfeiting One Thouſand Pounds of Tobacco, for every Court Day the ſame ſhall be miſſing, thro' his Neglect: Both which Penalties ſhall be to the Perſon or Perſons who ſhall inform or ſue for the ſame; and ſhall or may be recovered in any Court of Record within this Dominion, by Action of Debt, or Information.

X.

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Penalty for over-charging.

X. AND that if any Officer whatsoever hath heretofore taken any greater Fee than was by the Laws then in Force allowed, or hereafter shall claim, charge, demand, exact, or take, any more or greater Fees, for any Writing, or other Business, by him done, within the Purview of this Act, than herein before set down and ascertained; or if any Officer shall charge, or demand, and take, any of the Fees herein before mentioned, where the Business, for which such Fees are chargeable, shall not have been actually done and performed; to be proved by the Fee Book of such Officer, upon his corporal Oath; such Officer, for every such Offence, shall forfeit and pay, to the Party injured, besides such Fee or Fees, Two Hundred Pounds of Tobacco, for every particular Article or Fee, so unjustly charged, or demanded, or taken: To be recovered, with Costs, in any Court of Record within this Dominion, by Action of Debt or Information; provided the same be sued for, within Twelve Months after the Offence shall be committed.

Proviso.

XI. *PROVIDED always*, That nothing herein contained, shall be construed, to inflict any Penalty, on any of the said Officers, for demanding and taking the Fees, respectively allowed to be taken by them, by one Act of Assembly, made in the Twelfth Year of His present Majesty's Reign, intituled, *An Act for the better regulating and collecting certain Officers Fees; and other Purposes therein mentioned*, at any Time before the Publication of this Act; for which Two Months, after the Commencement thereof, is hereby allowed.

Accounts of Fees to be delivered to the Sheriff.

XII. AND for the better collecting the said Tobacco Fees, *Be it further Enacted*, That the Clerk of the Secretary's Office, and of every County Court, respectively, and every Surveyor, shall, annually, before the Twentieth Day of *January*, deliver, or cause to be delivered, to the Sheriff of every County in this Colony, respectively, their Accounts of Fees due from any Person or Persons residing therein, having first made the proper Deductions at the Foot of every such Account; which shall be signed by the Clerks, or Surveyors, respectively. And the said Sheriff is hereby required and impowered, to receive such Accounts, and to collect, levy, and receive, the several Quantities of Tobacco therein charged, of the Persons chargeable therewith. And if such Person or Persons, after the said Fees shall be so demanded, shall refuse or delay to pay the same, 'til after the Tenth Day of *April*, in any Year, the Sheriff of that County wherein such Person inhabits, or of the County in which such Fees became due, shall have full Power, and is hereby required, to make Distress of the Slaves, or Goods, and Chattels, of the Party so refusing or delaying Payment, either in that County where such Person inhabits, or where the said Fees became due. And the Sheriff of any County, for all Fees which shall remain due and unpaid, after the said Tenth Day of *April*, in any Year, either to himself, or the Sheriff of another County, which shall be put into his Hands, to collect as aforesaid, is hereby authorised and impowered, to make Distress and Sale, of Goods, and Chattels, of the Party refusing or delaying Payment, in the same Manner as for other Fees due to any of the Officers herein before mentioned: But no Action, Suit, Petition, or Warrant from a Justice, shall be had or maintained for Secretary's, County Court Clerks, or Surveyors Fees, unless the Sheriff shall return, That the Person owing or chargeable with such Fees, hath not sufficient within his Bailiwick, whereon to make Distress; except where the Clerk, or other Officer, as aforesaid, shall have lost his Fee Book by Fire, or other Misfortune, so that he be hindred from putting his Fees into the Sheriff's Hands to collect; and in that Case, any Suit or Warrant may be had and maintained for the Recovery thereof: And if any Sheriff shall be sued for any Thing by him done in Pursuance of this Act, he may plead the General Issue, and give this Act in Evidence.

His Duty in collecting them.

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Sheriff when to account.

XIII. THAT the Sheriff of every County ſhall, upon or before the laſt Day of *May*, in every Year, account with the Secretary, or his Agent, and the Clerk of the reſpective County Courts, and the reſpective Surveyors, for all Fees put into his Hands, purſuant to this Act, and pay the ſame, abating Six *per Cent.* for Collecting: and the Secretary is hereby required to appoint an Agent in every County, to receive the Sheriff's Account, and all Tobacco due to him. And if any Sheriff ſhall refuſe to account or pay the whole Account of Fees put into his Hands, after the Deductions aforeſaid are made, together with an Allowance of what is charged to Perſons not dwelling, or having no viſible Eſtate in his County, it ſhall and may be lawful for the Secretary, or Clerk, or Surveyor, upon a Motion made in the next ſucceeding General Court, or in the Court of the County of ſuch Sheriff, to demand Judgment againſt ſuch Sheriff, for all Fees wherewith he ſhall be chargeable, by Virtue of this Act; and ſuch Court is hereby authoriſed and required to give Judgment accordingly, and to award Execution thereupon; provided the Sheriff have Ten Days previous Notice of ſuch Motion.

Remedy againſt him, in Caſe of Refuſal.

Clerk's Office to be inſpected annually.

XIV. AND whereas ſeveral of the County Court Clerks in this Colony, have neglected to record Deeds, Wills, and other Matters of Conſequence; *Be it Enacted*, That the Juſtices of the ſeveral County Courts ſhall, annually, appoint Two or more fit Perſons, of their Number, to inſpect the Clerk's Office of their County, and to report to the next Court, the Condition in which they find the Papers and Records.

Attorney's Fee to be taxed.

XV. *AND be it further Enacted*, That the reſpective County Courts, in every Cauſe, except where the ſame ſhall be brought by Petition, where the Plaintiff ſhall recover or be Nonſuit, or where his Suit ſhall be diſmiſſed, ſhall allow, in the Bill of Coſts, Fifteen Shillings, or One Hundred and Fifty Pounds of Tobacco, for an Attorney's Fee, if the Party employed one; except againſt Executors and Adminiſtrators, or where the Plaintiff may not recover more Coſts and Damages.

Former Acts repealed.

XVI. *AND be it further Enacted*, That the Act made in the Twelfth Year of His preſent Majeſty's Reign, intituled, *An Act for the better Regulating and Collecting certain Officers Fees; and other Purpoſes therein mentioned*; and One other Act, made in the Eighteenth Year of His ſaid Majeſty's Reign, for continuing the ſame; be, and are hereby repealed, and made void: And that this Act ſhall continue and be in Force, from the End of this Seſſion of Aſſembly, for and during the Term of Three Years, and no longer.

This Act in Force for 3 Years.

Expired.

Chap. 7. *An Act to regulate Attornies practiſing in the County Courts; and the granting Writs of* Certiorari.

Ch. 49, 1748.

8. *An Act for continuing and amending an Act, intituled,* An Act for inſpecting, Weighing, and Stamping all Pork and Beef, packed in this Colony, or imported for Sale, before the ſame ſhall be ſold here, or ſhipped for Exportation: *And to amend the Act, intituled,* An Act for aſcertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch; and for Inſpecting, Weighing, and Stamping all Flour exported. REP.

CHAP.

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CHAP. IX.

An Act to explain and amend an Act, intituled, *An Act for licensing Pedlars; and preventing Frauds in the Duties upon Skins and Furrs.* Ch. 11, 1738.

I. WHEREAS the Method of licensing Pedlars, directed by an Act of Assembly, made in the Twelfth Year of His present Majesty's Reign, intituled, *An Act for licensing Pedlars; and preventing Frauds in the Duties upon Skins and Furrs,* hath been found inconvenient: Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the first Day of *May* next, no Pedlar, or other Person, whether he be an Inhabitant of this Colony or not, shall go from Place to Place, or to other Mens Houses, and sell, or expose to Sale, or barter any Goods or Merchandizes whatsoever, for Skins and Furrs, without License first obtained, under the Hand and Seal of a Collector of the Duties upon Skins and Furrs, exported by Land, residing near the Frontiers; and if any Pedlar shall refuse to produce such License, when required by any Person, to, or before whom he shall sell, or expose to Sale, or Barter, any Goods or Merchandize, the same may be seised by the Party or Parties requiring such License to be produced, and upon due Proof thereof made, before a Justice of Peace; the Goods so seised shall be forfeited and delivered to the Seisor, for his own Use. Pedlars to be licensed, & by whom. Refusing to produce their License when required forfeit their Goods.

III. *AND be it further Enacted,* That every Collector of the Duties upon Skins and Furrs, exported by Land, appointed or to be appointed, by Virtue of the said recited Act of Assembly, shall be, and is hereby authorised and impowered, from Time to Time, to grant or refuse at his Discretion, to any Person or Persons applying for the same, License or Licenses to trade, during the Term of one Year from thence next following, and no longer; the Party obtaining such License, first entering into Bond, with good and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Penalty of Twenty Pounds, with Condition, That he will not export, or cause to be exported, with his Privity or Knowledge, any Skins or Furrs, either by Land or Water, without first paying the Duties imposed on such Skins and Furrs, by one Act of Assembly, made in the Fourth Year of the Reign of the late Queen *Anne*; and shall also make Oath, and swear to the same Effect, and pay down the Sum of Ten Shillings, for the Use of the Governor, or Commander in Chief of this Colony, for the Time being; and the further Sum of Five Shillings to the Collector granting such License, for writing the same and the Bond aforesaid, which Bond shall be by him safely kept; and in Case of Breach, shall, and may be recovered, and applied as by the said first recited Act is directed: And the Clerk of every County Court, shall, in the Months of *April* and *October*, yearly transmit to the Secretary's Office, a List of all Recoveries or Judgments, had or given, on Seisures, or for Breach of such Bonds, if any shall happen to be. The Manner of obtaining Licenses; the Fees for the same. Lists of Recoveries on Seisures, or Bonds to be transmitted.

IV. *AND be it further Enacted,* That every Collector of the Duties upon Skins and Furrs, now appointed, or hereafter legally to be appointed, who shall, at any Time, himself export Skins or Furrs, liable to a Duty, by Land or Water, shall first make Oath, before a Justice of Peace, to the true Number and Kind of Skins or Furrs, and the Weight of Beaver, by him intended to be exported, and to what Port or Place, and obtain a Certificate of such Oath by him made, and shall return such Certificate and Account for the Duties, in the same Manner, and at the same Time or Times, as he shall account for Duties by him collected from other Persons, under Penalty of forfeiting double the Value of the Skins Collector exporting Skins, &c. to make Oath and obtain a Certificate. Certificates to be returned, and Duties accounted for, under a Penalty.

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Skins or Furrs exported, without ſuch Oath made, and Duty accounted for and paid; to be recovered in the ſame Manner, and applied to the ſame Uſes as Recoveries upon Breach of Bond are by the ſaid firſt recited Act directed to be: And every Collector of the ſaid Duties ſhall, at the Time of accounting for the ſame, with the Perſon or Perſons by his Commiſſion directed, return true Liſts of all Licenſes by him granted, and Bonds thereupon taken, from Time to Time.

Liſts of Licenſes & Bonds to be tranſmitted.

Penalty on Pedlars without Licenſe, or refuſing to produce it, or a Certificate of the Payment of the Duties when demanded.

V. *AND be it further Enacted*, That every Pedlar, or other Perſon, found travelling and trading without ſuch Licenſe as aforeſaid, or who ſhall refuſe to produce and ſhew his Licenſe, upon Demand made by any Inhabitant of this Colony, or who ſhall be found travelling towards any other of His Majeſty's Plantations, with Skins or Furrs, beyond the Place where the Collector uſually reſides, and upon Demand made, by any Inhabitant of this Colony, ſhall refuſe to produce and ſhew a Certificate, that the Duties have been paid, every Perſon offending, in any of the Premiſes, ſhall be liable to the reſpective Penalties, Forfeitures, and Puniſhments, by the ſaid firſt recited Act laid, given, or inflicted; to be recovered and diſpoſed of, as by the ſaid Act is directed.

Former Licenſes to be valid.

VI. *PROVIDED always*, That all Licenſes granted by any County Court, before the ſaid firſt Day of *May*, ſhall be good and valid, until Expiration of the Term in ſuch Licenſes reſpectively limited.

Ch. 48. 1748. Chap. 10. *An Act for giving a further Præmium for raiſing and exporting Hemp.* R E P.

Ch. 26, 1748. 11. *An Act for amending an Act, intituled,* An Act for Encouragement of building Water-Mills. R E P.

C H A P. XII.

An Act for the Encouragement of making Salt-Petre.

Preamble.

I. FORASMUCH as the making Salt-Petre will be of great Advantage to His Majeſty's Subjects; therefore, for the Encouragement of ſo uſeful an Undertaking,

1000 *l.* Current Money, appropriated to the Makers of Salt-Petre.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That the Sum of One Thouſand Pounds Current Money, be appropriated and paid to the Perſon or Perſons who ſhall make, or cauſe to be made, good and merchantable Salt-Petre: Which ſaid Sum of One Thouſand Pounds, ſhall be given and paid, as a Reward or Premium, for the making of Salt-Petre, after and according to the Rates following; that is to ſay, For every Pound Weight of Salt-Petre, made according to the above Directions, the Sum of Three Pence.

Premium 3 *d.* a Pound.

Manner of obtaining the Bounty Money given by this Act.

III. *PROVIDED always, and it is the true Intent and Meaning of this Act*, That every Perſon or Perſons making ſuch Salt-Petre, as aforeſaid, before they ſhall be intituled to claim and demand the Reward or Rewards given by this Act, ſhall apply to the Court of the County in which the Salt-Petre ſhall be made, which Court is hereby impowered and required to order Two honeſt and ſkilful Perſons to view, try, and weigh all Barrels, Caſks, or Parcels of Salt-Petre ſo made, and to return to the ſaid Court an Account, upon Oath, of the Nett Weight of all ſuch Salt-Petre as they ſhall adjudge to be good, ſound, and merchantable; and on ſuch Return, and the Oath, or ſolemn Affirmation of the Perſon

Person or Persons claiming the Reward, that the Salt-Petre so produced to the Persons appointed to view the same, was made in this Colony, and that no Person or Persons have, before that Time, received, or intituled him, her, or themselves to the Reward given by this Act; that then, and in such Case, the Court of the said County shall immediately certify the same to the Treasurer of this Colony, for the Time being, who is hereby impowered and required, upon producing such Certificate, to pay all such Sum or Sums of Money, as shall appear to be due by Virtue of this Act. *A. D.* 1746.

IV. *AND be it further Enacted, by the Authority aforesaid,* That every Person or Persons, who in obtaining any Certificate or Certificates whereby to intitle him, her, or themselves to the Reward or Premium hereby given, shall make a false Oath, and be thereof lawfully convicted, such Person or Persons so offending, shall incur the Pains and Penalties inflicted by Law, on Persons committing wilful and corrupt Perjury. Penalty for making a false Oath.

V. *AND be it further Enacted,* That this Act shall commence on the First Day of *November* next. Commencement of the Act.

Chap. 13. *An Act for appointing several new Ferries.* REP. Ch. 16, 1748.

14. *An Act for making Reparation for the Tobacco lately damaged and lost in* Gray's *Creek, and* York *Warehouses.* Expired.

15. *An Act for altering several Court Days.* REP. Ch. 7, 1748.

16. *An Act for paying the Burgesses Wages in Money, for this present Session of Assembly.* Expired.

17. *An Act to amend the Act, for giving a Reward for killing Wolves in the County of* Frederick, *to be levied on the Inhabitants of the said County, by the Court; and for altering several Court Days; and to collect a Tax already laid on the Inhabitants of the said County.* Private Acts.

18. *An Act for the more effectual clearing of* James *and* Appamattox *Rivers.*

19. *An Act for giving a certain Sum of Money to Trustees for clearing the* Fluvanna; *and for appointing a Storehouse at* Westham; *and for other Purposes therein mentioned.*

20. *An Act for confirming the Vestries of the Parishes of Saint* Anne *and* Truro; *and for dissolving the Vestries of the Parishes of Saint* Margaret *and* Newport.

21. *An Act for settling the Allowance on Tobacco paid in the County of* Lunenburg, *in Discharge of Public Debts; and to oblige the Surveyors of that County to reside therein.*

22. *An Act for dividing the County of* Brunswick, *and Parish of Saint* Andrew; *and for other Purposes therein mentioned.*

A. D. 1746. Chap. 23. *An Act for obliging the Parish of Saint* Martin *to repay to the Parish of* Fredericksville *their Proportion of Ninety Four Pounds, levied on the said Parish of Saint* Martin *before the Division thereof.*

Private.

Provided for, Ch. 11, 1748.

24. *An Act for enlarging the Power of the Sheriff of* James-City *County.*

Private.

25. *An Act for preventing the building Wooden Chimnies, in the several Towns therein mentioned, and pulling down such as are already built in the said Towns; and to restrain Hogs going at large in* Newtown *and* Newcastle.

Expired.

26. *An for raising a Public Levy; and other Purposes therein mentioned.*

Private Acts.

27. *An Act to vest Eighty Seven Acres of Land, appropriated for a Glebe in the Parish of* Hungars, *in the County of* Northampton, *in Trustees, to be sold; and for other Purposes therein mentioned.*

28. *An Act to enable* George Eskridge *to sell Part of a Tract of Land, not exceeding Three Hundred and Fifty Acres, to raise Money for the Payment of his proportionable Part of the Debts of his Grandfather.*

29. *An Act to dock the Entail of certain Lands in the County of* Glocester, *late the Estate of* Thomas Todd, *and vesting the same in Trustees, to be sold; and the Money arising therefrom, to be laid out in Slaves, to be settled to the same Uses.*

30. *An Act for docking the Entail of certain Lands in the County of* Glocester, *late the Estate of* John Smith, *and vesting the same in Trustees, to be sold; and the Money arising therefrom, to be laid out in Slaves, to be settled to the same Uses.*

Signed by WILLIAM GOOCH, *Esq; Governor.*
JOHN ROBINSON, *Jun. Speaker.*

At

A. D. 1746.

At a GENERAL ASSEMBLY, ſummoned to be held at the *Capitol*, in the City of *Williamſburg*, on *Thurſday* the Sixth Day of *May*, in the Fifteenth Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued, by ſeveral Prorogations, to *Friday* the Eleventh Day of *July*, in the Twentieth Year of His ſaid Majeſty's Reign, and in the Year of our Lord 1746: Being the Fourth Seſſion of this Aſſembly. WILLIAM GOOCH, Eſq; Governor.

Chap. 1. *An Act for giving a Sum of Money, not exceeding Four Thouſand Pounds, towards defraying the Expence of enliſting, arming, cloathing, victualing and tranſporting the Soldiers raiſed in this Colony, on an intended Expedition againſt* Canada. Executed;

2. *An Act for paying the Burgeſſes Wages in Money this preſent Seſſion of Aſſembly.* Executed;

Signed by WILLIAM GOOCH, *Eſq; Governor.*
JOHN ROBINSON, *Jun. Speaker.*

At

A. D. 1747.

William Gooch, Esq; Governor.

At a General Assembly, summoned to be held at the Capitol, in the City of *Williamsburg*, on *Thursday* the Sixth Day of *May*, in the Fifteenth Year of the Reign of our Sovereign Lord George II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued, by several Prorogations, to the Thirtieth Day of *March*, in the Twentieth Year of His said Majesty's Reign, and in the Year of our Lord, 1747: Being the Fifth Session of this Assembly.

Private Acts. Chap. 1. *An Act for reviving and amending the Acts for allowing Fairs to be kept in the Towns of* Fredericksburg *and* Richmond.

2. *An Act to impower the Vestry of the Parish of* Southam, *in the County of* Goochland, *to sell the Glebe Land in the said Parish, and to purchase a more convenient Glebe in Lieu thereof.*

Ch. 7, 1748. 3. *An Act for altering the Court Days in* Elizabeth-City *and* Surry *Counties.* REP.

Private Acts. 4. *An Act to enable the Sheriffs of the Counties of* Fairfax *and* Albemarle, *to hold their Offices, for finishing the Collection this present Year.*

5. *An Act for paying the Burgesses Wages in Money, for this present Session of Assembly.*

Signed by Sir William Gooch, *Bart. Governor.*

John Robinson, *Jun. Speaker.*

At

A. D. 1748.

At a GENERAL ASSEMBLY, begun and held at the *College*, in *Williamsburg*, the Twenty Seventh Day of *October*, in the Twenty Second Year of the Reign of our Sovereign Lord GEORGE II. by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord, 1748.

Sir WILLIAM GOOCH, Bart. Governor.

CHAP. I.

An Act for settling the Titles and Bounds of Lands, and for preventing unlawful Hunting and Ranging.

How & when Deeds for Lands, *&c.* shall be acknowledged, or proved and recorded.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That no Lands, Tenements, or Hereditaments, within this Colony shall pass, alter, or change, from one to another, whereby an Estate of Inheritance in Fee-Simple, Fee-Tail, general or special, or any Estate for Life or Lives, or any greater or higher Estate, shall be made, or take effect, in any Person or Persons, or any use thereof to be made, by Bargain and Sale, Lease and Release, Deed of Settlement to Uses of Feoffment, or other Instrument, unless the same be made by Writing, indented, sealed, and recorded, in the Records of the General Court, or in that County Court, where the Land mentioned to be passed or granted shall lie, in Manner following, that is to say: If the Person or Persons who shall make and seal such Instrument of Writing, shall be resident within this Colony at the Time of making and sealing the same, then the recording thereof shall be within eight Months from the Sealing and Delivery; and if the Person or Persons so making and sealing, shall be resident in any other Place than within this Colony, at the Time aforesaid, then the recording shall be within Two Years from the Sealing and Delivery: But no such Deed, or Conveyance whatsoever, of Lands, Tenements, or Hereditaments, shall be admitted to Record in the General Court, or in any County Court, unless the same be acknowledged in such Court, by the Grantor or Grantors thereof in Person, or by some or one of them, to be his, her, or their proper Act and Deed, or else that Proof thereof be made, in open Court, by the Oath of Three Witnesses at the least.

Where, If the Grantor resides here, the recording must be within 8 Months. If not resident here, in Two Years. Must be personally acknowledged in Court, or proved by 3 Witnesses at least.

Livery of Seisin to be recorded with the Deed.

II. AND, That when any such Deeds or Conveyances shall be acknowledged or proved in Court, in order to their being recorded, the Livery of Seisin thereupon made, in such Cases where the same is by Law required, shall in like Manner be acknowledged, or proved, and shall be recorded together with the Deed, or Conveyance whereupon it shall be made.

Deeds, Mortgages, *&c.* executed before *June* 3, 1735, valid, tho' not recorded.

III. AND, That all Deeds, Mortgages, and other Settlements and Conveyances, for any Lands, Tenements, or Hereditaments within this Dominion, *bonâ fide* made and executed, at any Time before the Third Day of *June*, in the Year of our Lord One Thousand Seven Hundred Thirty Five, whether the same be by Deed Poll, or otherwise, shall be good valid and binding be-

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tween the Parties thereto, and their Heirs, notwithſtanding the ſame have not been acknowledged, or proved and recorded.

But all Conveyances and Settlements, after that Time made, or to be made, ſhall be void, as to Creditors, and ſubſequent Purchaſers, if not recorded.

IV. AND, That all Bargains, Sales, and other Conveyances whatſoever, of any Lands, Tenements, or Hereditaments, whether they be made for paſſing any Eſtate of Freehold, or Inheritance, or for Term of Years, and all Deeds of Settlement upon Marriage, wherein either Lands, Slaves, Money, or other perſonal Thing, ſhall be ſettled or covenanted, to be left or paid at the Death of the Party, or otherwiſe, and all Deeds of Truſt, and Mortgages whatſoever, made and executed at any Time after the ſaid Third Day of *June*, One Thouſand Seven Hundred Thirty Five, and before the paſſing of this Act, and all ſuch Deeds, and Conveyances, which ſhall hereafter be made and executed, ſhall be void, as to all Creditors, and ſubſequent Purchaſers, unleſs they have been, or ſhall be acknowledged, or proved and recorded, according to the Directions of this Act; but the ſame, as between the Parties, and their Heirs, ſhall neverthelesſ be valid and binding.

Yet binding between the Parties.

Deed by Huſband & Wife, acknowledged in Court, ſhall paſs the Eſtate of the Feme, except in Fee-Tail.

V. *AND be it further Enacted, by the Authority aforeſaid*, That all Deeds, and Conveyances heretofore made, or hereafter to be made, in Writing, indented and ſealed by Huſband and Wife, and by them perſonally acknowledged, in the General Court, or County Court, the Wife having firſt been examined by ſuch Court privily, and apart from her Huſband, and giving her free Conſent to the ſame, ſhall be and are hereby declared to be good and effectual in Law, and ſhall be as valid to convey and paſs over all the Eſtate, Right, Title, Intereſt, Claim and Demand, of ſuch Wife and her Heirs, in or to the Lands, Tenements, or Hereditaments ſo granted or conveyed, whether the ſame be in Right of Dower, or Fee-Simple, or whatſoever other Eſtate, not being Fee-Tail, ſhe may have therein, as if the ſame had been done by Fine and Recovery, or by any other Ways or Means whatſoever; and that where any Feme Covert hath heretofore relinquiſhed her Right of Dower, in Lands or Tenements, and acknowledged the ſame in Court, or before Commiſſioners, and ſuch Acknowledgment has been recorded, the ſame ſhall be ſufficient and effectual in Law, to convey and paſs over all ſuch Right, altho' ſhe has not executed and acknowledged any Deed or Conveyance for that Purpoſe.

Relinquiſhment of Dower, heretofore made, and recorded, ſufficient without Deed in Writing.

Commiſſions to receive the Acknowledgement of any Deed executed by a Feme-Covert, how to be iſſued and returned.

VI. AND, That where any Feme Covert cannot conveniently travel to the General Court, or County Court, to acknowledge her Deed for paſſing away her Eſtate, it ſhall be lawful for the Clerk of the General Court, or of any County Court, to iſſue a Commiſſion to two or more Commiſſioners, being Juſtices of the Peace in the County where ſuch Feme reſides, for receiving the acknowledgement of any Deed of ſuch Feme Covert, for paſſing her Eſtate in any Lands, Tenements, or Hereditaments; and ſuch Deed acknowledged before them, after they ſhall have examined her privily, and apart from her Huſband, touching her Conſent, and thereof certified, the Judges before whom ſuch Commiſſion ſhall be returnable, ſhall be recorded, together with the Commiſſion and Return, and ſhall be as effectual as if the ſame had been perſonally acknowledged in Court, by ſuch Feme Covert: And where any ſuch Deed ſhall have been heretofore acknowledged before Commiſſioners, and they have certified the privy Examination and Acknowledgment as aforeſaid, the ſame is hereby likewiſe declared to be valid, and ſo ſhall be adjudged, deemed, and taken.

And ſhall paſs her Right.

Such Acknowledgments heretofore made and certified, valid,

But her privy Examination muſt be recorded.

VII. AND whereas is has always been adjudged, That when any Deed has been acknowledged by a Feme Covert, and no Record made of her privy Examination, ſuch Deed is not binding upon the Feme or her Heirs:

VIII. *IT is hereby further Enacted, and Declared*, That the Law herein ſhall always be held according to the ſaid Judgments, and ſhall never hereafter be queſtioned; and that the Clerks of the Courts before whom any Deed of a Feme Covert ſhall be acknowledged, ſhall always hereafter record her privy Examination.

IX.

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For Discovery of prior Conveyances.

XI. AND to the End Persons who are inclined to lend Money upon the Security of Lands, Negroes, and other Estate, or to become Purchasers thereof, may more easily discover whether the Lands, Slaves, or other Things offered to be sold, or mortgaged, be free from prior Incumbrances;

A Memorial of all Deeds & Settlements of any Estate Real or Personal, shall be kept in the Secretary's Office

X. *BE it further Enacted, by the Authority aforesaid,* That a Memorial of all Bargains, Sales, Mortgages, and other Conveyances, Marriage Settlements, and Deeds of Trust, whereby any Estate, Real or Personal, of any Person or Persons whatsoever, within this Colony, may be effected, charged, or incumbred, shall be registred in the Secretary's Office, in Books kept for that Purpose: Which Memorial, shall contain the Date of the Deed, or Conveyance, the Names, Sirnames, and Additions of the Parties thereto, the Consideration mentioned therein, the Quantity of Land conveyed, settled, or mortgaged, and where the same lies, and the Number and Names of the Slaves, and Description of the personal Estate, if any be sold, settled, or mortgaged; and the Clerks of all and every the County Courts, within this Dominion, are hereby required, twice in every Year, that is to say, in the Months of *April* and *October*, to transmit to the Secretary's Office, Memorials, of all such Deeds, Settlements, Mortgages, or other Conveyances, as shall have been acknowledged, or proved and recorded in their respective Courts, the preceding half Year; and of all such of the said Deeds as shall be recorded in the General Court, the Clerk of the Secretary's Office shall enter Memorials in the Register to be kept by him for that Purpose.

County Court Clerks to return such Memorials, half-yearly.

XI. AND whereas in Times past several Persons purchasing Lands in this Colony, have had their Deeds and Conveyances for the same acknowledged and recorded, but not within the Time by the Laws then in Force required, and some Persons have procured their Deeds and Conveyances, to be recorded in the Courts of other Counties than where the Lands lie, and registred in the Council Books, and others have taken their Deeds and Conveyances not indented, nor sealed, or without any valuable Consideration therein set down or expressed, and some have taken Assignments of Lands, only endorsed on the Patents, and others have purchased Lands and taken Deeds for the same, which by the Death of the Grantor, or some other Accident, have not been acknowledged in Court, according to the strict Letter of the Law in that Case heretofore made, but yet have been proved in Court by the Oath of Two or more Witnesses, and recorded, and others have purchased Lands, and taken Deeds and Conveyances for the same, but without Livery of Seisin made thereupon in due form of Law; by which several Omissions and Inadvertencies, many Controversies might arise among his Majesty's good Subjects here, for Prevention whereof,

Deeds for Lands, executed before *June* 3, 1735, confirm'd to the Parties in Possession, altho' not regularly proved or recorded.

XII. *BE it further Enacted, by the Authority aforesaid,* That all Deeds and Conveyances whatsoever, for any Lands within this Colony, heretofore acknowledged, and recorded, at any Time before the Third Day of *June*, in the Year of our Lord, One Thousand Seven Hundred Thirty Five, or registred in the Council Books, or recorded in any other County than where the Lands lie, shall be adjudged, deemed, and taken, and are hereby declared to be, to all Intents and Purposes, valid, and available in Law, and shall enure and take effect, as fully and absolutely to the Benefit and Advantage of all Persons in Possession of any Lands claimed thereby, and to their Heirs and Assigns, as if the same Deeds had been legally recorded; and all Deeds and Conveyances for Land, *bonâ fide* made and executed, before the said Third Day of *June*, altho' not indented or sealed, or without any valuable Consideration therein expressed, and all Assignments endorsed on Patents, shall be adjudged, deemed, and taken, and are hereby declared to be good and valid in Law, and shall enure and take effect as fully and absolutely, to the Benefit and Advantage of all and every Person and Persons in Possession of any Lands claimed thereby, to his and their own proper Use and Behoof, and to his and their Heirs and Assigns, as if the same Deeds and Conveyances had been actually indented and sealed, and as if a valuable

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Consideration had been therein particularly expressed, and as if such Assignments had been made, and the Lands therein mentioned conveyed in due Form of Law; and all Deeds and Conveyances for Land, *bonâ fide* made and executed as aforesaid, and proved in Court, by Two or more credible Witnesses, to have been the Acts and Deeds of the Grantors thereof, and a Record made of such Proof, shall be and are hereby declared to be good and available in Law, and shall enure and take effect as fully and absolutely, to the Benefit and Advantage of the Person and Persons in Possession of any Lands claimed thereby, to his and their own proper Use and Behoof, and to his and their Heirs and Assigns, as if the same Deeds and Conveyances had been personally acknowledged in Court by the Grantors thereof, and all Deeds and Conveyances for any Lands, Tenements, or Hereditaments, within this Colony, *bonâ fide* made and executed as aforesaid, and where Livery of Seisin might be requirable, if the Party or Parties to whom the same have been so conveyed, have actually entered thereupon, and they, or those who have their Rights, do still continue in Possession thereof, by Virtue of such Deeds and Conveyances, the same shall be and are hereby declared to be firm and valid in Law, and shall enure and take effect, as fully and absolutely to the Benefit and Advantage of all and every Person and Persons in Possession of any Lands claimed thereby, as if Livery of Seisin had been made in due form of Law, and not otherwise: Any Law, Statute, or Custom, in any of the Cases aforesaid, to the contrary thereof, in any wise notwithstanding.

Proviso.

XIII. *PROVIDED always*, That nothing herein contained shall extend or be construed so as to confirm any Lands, Tenements, or Hereditaments whatsoever, to any other Person or Persons than those who have been, or now are, in actual Possession thereof, and those who claim, or at any Time hereafter shall claim, by, from, or under them.

No Estate-Tail shall be defeasible, except only by Act of Assembly.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That it shall not be lawful for any Person or Persons whatsoever, at any Time to levy any Fine, or to suffer any Recovery to be had, whereby to cut off or defeat any Estate in Fee-Tail, general or special, of or in any Lands, Tenements, or Hereditaments, within this Colony, neither shall any such Estate Tail be cut off, or defeated, by any Ways or Means whatsoever, except only by Act of the General Assembly of this Dominion, for the Time being, in such particular Case respectively to be had and made: And all and every Fine and Fines, Recovery and Recoveries, and every other Act and Acts, Thing and Things, whatsoever, which shall be levied, made, suffered, done, performed, or executed, for and towards the cutting off, or defeating any Estate Tail whatsoever, except such as shall be found under the Value herein after limited, otherwise than by Act of Assembly as aforesaid, shall be adjudged, deemed, and taken, and are hereby declared to be null and void, to all Intents and Purposes.

XV. BUT forasmuch as many poor People are seised in Fee-Tail of small and inconsiderable Parcels of Land, often ignorantly or undesignedly by their Ancestors devised in Tail, and the docking such Intails by easier Methods will be a great Relief to such Persons, and their Families, who otherwise must be confined to labour upon such small Parcels of Lands, when by selling them they might be enabled to purchase Slaves, and other Lands more improveable;

But where such Estate shall not exceed the value of 200 *l. Sterling*, Tenant in Tail may have a Writ of *Ad quod Damnum*.

XVI. *BE it therefore further Enacted, by the Authority aforesaid*, That it shall and may be lawful to and for any Person or Persons, seised in Fee-Tail general or special, of or in any Lands, Tenements, or Hereditaments, within this Colony and Dominion, not exceeding the Value of Two Hundred Pounds *Sterling*, and not being Parcel of, or contiguous to other intailed Lands of the same Party, to sue out from the Secretary's Office a Writ in the Nature of an *Ad quod damnum*, to the Sheriff of the County where such intailed Lands lie, commanding him to enquire, by the Oath of good and lawful Men of his County, of the Value of such Lands, and whether they be Parcel of or contiguous to other intailed

intailed Lands, as aforesaid; and the better to enable the Jury to judge of the Value of such Lands, the Surveyor of the County shall, in their Presence, survey the Bounds and give the Jury an Account of the Number of Acres contained in the said Survey, and where the Tenant in Possession shall not, at the Time of the Survey, have Issue capable of inheriting the said Lands, and there be a Remainder limited over, the Person next in Remainder, if of Age, shall have Notice of such Survey, and if under Age, the Guardian, or next Friend, that he may attend and see that the Valuation is fairly made: And such Sheriff shall return his Inquisition to the said Office: And if the said Lands shall be found not to exceed the Value aforesaid, and to be a separate Parcel, as aforesaid, then a Deed of Bargain and Sale, reciting the Title, and such Inquisition, wherein a valuable Consideration shall be expressed, and *bonâ fide* paid, acknowledged, or proved by three Witnesses, before the General Court, within eight Months after the Date thereof, and recorded, shall be sufficient in Law to pass the Fee Simple Estate of such Lands to the Purchaser or Purchasers thereof; and the Issue in Tail of the Vendor, and all other Persons in Remainder, or Reversion, shall be barred, in the same Manner as the same Estate might be barred, by Fine and Recovery, according to the Laws of *England*.

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Method of executing and returning the Writ.

Heir in Remainder may attend the Survey.

And then such Estate may be sold to any Purchaser, in Fee-Simple.

Heir in Reversion, or Remainder barred.

XVII. AND that where any such Deeds have been heretofore made and acknowledged, or proved in the General Court, according to the Direction, true Intent and Meaning of the Laws then in Force, the same shall be sufficient in Law to pass the Fee Simple Estate of the Lands thereby conveyed to the Purchaser or Purchasers, and to bar the Intail thereof, in the same Manner as if such Laws had not been repealed or altered; and where such Deeds have been acknowledged, or proved in the County Court, and afterwards recorded in the General Court, the same shall be as good and available in Law to pass the Fee Simple Estate of the Lands therein mentioned, as if the Acknowledgment or Proof had been made in the General Court: But no such Deed of Bargain and Sale, hereafter to be made or executed, shall be admitted to Record, unless the same be acknowledged or proved before the General Court, in the Manner and within the Time by this Act required. And for the better avoiding of Suits,

Confirmation of Deeds for such Lands heretofore made.

But all such Deeds hereafter must be acknowledged, or proved, and recorded in the General Court.

XVIII. *BE it further Enacted by the Authority aforesaid*, That all Writs of Formedon in Descender, Remainder, or Reverter, of any Lands, Tenements, or Hereditaments whatsoever, hereafter to be brought upon any Title or Cause heretofore accrued, or which may hereafter fall or accrue, shall be sued out within Twenty Years next after such Title or Cause of Action accrued, and not afterwards; and that no Person or Persons who now hath, or have, or hereafter may have, any Right or Title of Entry into any Lands, Tenements, or Hereditaments, shall make any Entry but within Twenty Years next after such Right or Title accrued, and such Person shall be barred from any Entry afterwards.

Limitation of Actions Real.

XIX. *PROVIDED nevertheless*, That if any Person or Persons intituled to such Writ or Writs, or to such Right or Title of Entry as aforesaid, shall be or were under the Age of One and Twenty Years, Feme-Covert, *Non Compos mentis*, imprisoned, or not within this Colony, at the Time of such Right or Title accrued, or coming to them, every such Person and his or her Heirs shall and may, notwithstanding the said Twenty Years are or shall be expired, bring and maintain his Action, or make his Entry, within Ten Years next after such Disabilities removed, or the Death of the Person so disabled, and not afterwards.

Exception.

XX. *AND be it further Enacted, by the Authority aforesaid*, That in all Writs of Right, and other Actions possessory, any Person may maintain a Writ of Right upon the Possession or Seisin of his Ancestor, or Predecessor, within Fifty Years, or any other possessory Action upon the Possession or Seisin of his or her Ancestor, or Predecessor, within Forty Years, next before the Teste of

Rules in Writs of Right.

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of the Writ: But no Person shall maintain a real Action upon his own Possession or Seisin but within Thirty Years next before the Teste of the Writ.

And Process in Real Actions.

XXI. AND that the Process in all real Actions shall be the same as is used, and have the same Effect as in *England*, except that the Returns shall be according to the Laws of this Colony, but that all Essoins, Views, and Vouchers be, and are hereby taken away; and after one Imparlance, unless the Tenant shall plead non Tenure, Joint-Tenancy, or several Tenancy, in Abatement, and then after such Plea shall be overruled, he shall put himself upon the grand Assize, and the Mise shall be joined upon the mere Right, and be tried at the next Court by Sixteen Jurors, to be summoned tried and sworn as in all other Actions; and to remove all Delays and groundless Pretences, in saving the Default of the Tenant, no Excuse shall be admitted but non Summons, and such Excuse being allowed, he may imparle, and at the next Court shall either plead in Abatement, or put himself upon the grand Assize, as aforesaid.

XXII. AND forasmuch as the Rights and Titles to Lands within this Colony originally depended upon, or are derived from Patents granted for the same, to prevent all Controversies concerning the Validity of such Patents, as have been formerly issued, but are not found among the Records in the Secretary's Office, or not recorded, or for which no Rights have been obtained in the Manner prescribed by Law:

Confirmation of Patents granted before *June* 1, 1710.

XXIII. *BE it further Enacted, by the Authority aforesaid,* That all Patents for any Lands within this Colony, granted before the First Day of *June*, in the Year of our Lord One Thousand Seven Hundred and Ten, by the Governor or Commander in Chief of this Dominion, for the Time being, shall be held, deemed and taken, and are hereby declared to be, to all Intents Constructions and Purposes, as firm valid and available in Law, to convey and assure the Lands therein granted to such Person and Persons respectively, as the same shall have been granted unto, and to their Heirs and Assigns forever, as if such Patents had been duly recorded, and as if the Rights had been paid for the same.

Patents to be recorded.

XXIV. AND that when any Patent for Land shall be passed, the Secretary of this Dominion, for the Time being, shall cause the same to be recorded in his Office.

XXV. AND whereas by a Proviso in every Patent for Land the Patentee is obliged, within Three Years next after the Date of his Patent, to seat plant and cultivate the Lands so to him granted: For the better Explanation thereof,

Surplus Land shall be granted to the Patentee, or his Assigns,

XXVI. *BE it further Enacted, by the Authority aforesaid,* That if upon any new Survey of Lands before granted to any Person, a greater Quantity of Land shall be found within the Bounds expressed in the Patent, than therein is mentioned and set down, it shall be lawful for the Proprietor and Possessor of such Land, for the Time being, to sue forth a new Patent for the same Lands, wherein the just Quantity of Land shall be more exactly expressed, yet nevertheless such Person shall not be obliged to any new Seating, Planting, or Cultivation, notwithstanding such Proviso in his new Patent.

But no new seating required.

Double Patents confirm'd without new seating.

XXVII. AND that where any Person hath heretofore taken up any Tract or Parcel of Land, adjoining to other Lands, in his or her Possession, and shall have obtained a Patent for the same, commonly called a double Patent, wherein both Tracts are joined, in such Case all such Patents shall be and are hereby declared to be good and available in Law, to confirm the same to such Patentee, and those claiming under him or her, being in Possession thereof, and to his and her Heirs for ever, without any new Seating or Planting, notwithstauding the Proviso aforesaid.

XXVIII.

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XXVIII. AND that if any Person who now is or hereafter shall be possessed of any Tract of Land which ought to be seated, planted, cultivated, and improved, according to the Directions of this Act, shall be desirous to take up one or more Tracts of Land, adjoining, and shall include all the said Tracts in one Patent, such Lands shall be accounted as one entire Tract, and any Improvements which shall thereafter be made, according to the Directions of this Act, on any Part of the said Tracts, shall be held, deemed, and taken, to extend towards saving of the whole, in Proportion to such Improvements made thereon.

Improvements on any Part of a Tract, extend to the whole.

XXIX. AND that where any Person heretofore hath, or hereafter shall obtain a Patent, for any Lands within this Colony, and shall fail to seat and plant, or cultivate and improve the same, or to pay the Quit-Rents thereof, according to the Proviso and Condition of his Patent, and the particular Directions of this Act, every such Patentee shall not only lose the Land so to him or her granted, but shall also lose all Benefit of the Rights upon which he or she obtained such Patent.

Patentee failing to seat, &c. or to pay the Quit-Rents, as by this Act required, loses his Land, and Rights also.

XXX. *AND be it further Enacted, by the Authority aforesaid*, That no Patent shall be granted to any Person or Persons for any Tract or Parcel of Land, as lost and forfeited for want of Seating and Planting, or for non Payment of the Quit-Rents, until Three Years shall be expired, from and after the Date of the Patent granted for the same, or unless there shall be Three Years Quit-Rents in Arrear, neither shall any Patent be granted by Reason of such Forfeiture, until Judgment and Certificate thereof obtained from the General Court, in Manner following, that is to say: The Party desiring such Grant of forfeited Lands, shall first Petition the Governor, or Commander in Chief of this Dominion for the Time being, and in his Petition shall set forth, in what County the Land lies, to whom it was formerly granted, and in whose Possession it then is, for what Cause the same is become forfeited, and in what County the Grantee, or Person in Possession, resides; and such Petitioner shall at the same Time file a Copy of his Petition in the Secretary's Office, and thereupon the Clerk of the said Office shall issue a Writ, to the Sheriff of the County where such Grantee, or Person in Possession, resides, commanding him to summon the said Person to appear at the next succeeding General Court, on a certain Day thereof, to shew Cause why the Land petitioned for, and adjudged to be forfeited, for not Seating and Planting, or for non Payment of Quit-Rents, as the Cause shall be, may not be granted to the Petitioner: Which Writ shall be served upon such Grantee, or Person in Possession, by the Sheriff or under Sheriff of the County where he or she resides, who shall make due Return thereof: And if such Person be not resident within this Colony, then such Writ shall be served upon his or her Attorney lawfully appointed; and if no such Attorney can be found, then a Copy of such Writ shall be affixed at the Door of the Court-House of the County where the Land lies, on Five several Court Days, and also in the Court-House of the General Court, at Three successive Courts, and thereafter such Proceedings shall be had as if such Party had been personally summoned; and where such Writ shall be returned, served, if the Party summoned, or his Attorney, shall not appear, and make sufficient Proof, that the Land petitioned for, hath been Seated and Planted, or that the Quit-Rents thereof, have been duly paid, as the Case shall require, then the General Court shall adjudge such Lands to be forfeited, and revested in the Crown, and shall cause Judgment to be entered accordingly, and certify the same to the Governor, or Commander in Chief of this Dominion for the Time being; and also, that the Party prosecuting was the first Petitioner for the said Land, and hath prosecuted his Petition with Effect: Which Certificate shall intitle him to the Land so adjudged and certified to be forfeited, in the same Manner, and subject to the same Conditions and Provisos, as Lands not before patented are subject to: And if there shall happen to be a greater Quantity of such forfeited Land, than shall be granted to such Petitioner, the Residue thereof shall be granted to such Person or

Lands shall not be lapsed 'til 3 Years after the Date of the Patent, or 'til 3 Years Quit-Rents are Arrear.

Nor without Judgment of the General Court.

Method of petitioning for lapsed Land.

Summons.

Where the Party resides here,

Where not resident in this Colony.

Return of Summons.

Judgment.

Surplus Land.

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or Persons as shall Petition for the same, in the Manner, and subject to the Conditions and Provisos, aforesaid.

Lands saved before Petition exhibited, remain to the Patentee.

XXXI. *PROVIDED always*, That if upon Trial it shall appear, that the Lands so petitioned for, have been Seated and Planted, at any Time before such Petition exhibited, tho' not within Three Years as aforesaid, the same shall be adjudged, and is hereby declared to be a sufficient Seating and Planting within the Meaning of this Act; and that when any such Petition, as aforesaid, shall be exhibited, the Patentee, or Party in Possession, shall and may reserve to himself so much of the Land petitioned for, as shall be proved to have been seated and cultivated according to the Directions of this Act, and may allot the Residue, which shall be found and adjudged to be lapsed, to the Petitioner for the same, in any Part of the Tract in one entire Piece.

Who may allot the lapsed Part, in one Piece of his Tract, where he thinks fit.

XXXII. AND to the End the Lands of Infants may be secured to them from being forfeited, for not Seating and Planting, or not paying Quit-Rents:

Provisions for securing the Lands of Infants.

XXXIII. *BE it further Enacted, by the Authority aforesaid*, That where any Patentee shall depart this Life within Three Years of the Date of his Patent, without seating, planting, or paying Quit-Rents, and the Right of Inheritance shall descend or come to any Infant, under the Age of One and Twenty Years, in such Case, the Sheriff of the County wherein such Lands shall lie, may distrain the Slaves Goods and Chattels of such Infant, for all Quit-Rents due from Time to Time, and if no such Distress can be made, or if the Lands shall not be seated and planted, yet the same shall not be forfeited, until Three Years after such Infant hath attained his or her full Age: But the Seating and Planting such Lands, and paying the Quit-Rents Arrear and due for the same, within the said Three Years, shall be adjudged and is hereby declared to be sufficient to save such Lands from being lapsed and forfeited.

And Persons not resident in this Colony.

XXXIV. AND that where any Patentee shall die within Three Years as aforesaid, and the Right of Inheritance shall descend or come to any Person not being then resident within this Colony, such Person shall not be liable to any forfeiture for not Seating and Planting, or for non Payment of Quit-Rents, until the Expiration of Three Years after his or her Right accrued.

XXXV. AND for preventing Disputes and Controversies concerning Lands, alledged to be lapsed for want of Seating and Planting, which cannot be determined without great Difficulty, unless the Matter of Right be contested within a reasonable Time, but otherwise must be of evil Consequence to many People and their Families, who have been long, and yet are, in quiet and peaceable Possession of their Lands, but nevertheless may not be able to produce legal Evidence of the Cultivations and Improvements, made by their Ancestors or Predecessors;

Petitions for lapsed Land shall be brought within 10 Year.

XXXVI. *BE it therefore further Enacted, by the Authority aforesaid*, That after the Passing of this Act, no Petition shall be received, or allowed, for Lands supposed to be lapsed, for want of Cultivation and Improvement, if the same be not exhibited within Ten Years next after the Date of the Patent granted for the Land, in such Petition alledged to be lapsed or forfeited; and that where no Petition shall be exhibited within that Time, the Patentee, and those claiming under him, shall for ever afterwards be held and adjudged to have made a sufficient Seating, Planting, Cultivation, and Improvement, to save such Land from lapsing.

XXXVII. AND whereas several Persons have sued out and obtained Patents for Swamps, Marshes, and sunken Grounds, adjacent to the patented Highlands of other Persons, and without their Consent or Privity, to the great Prejudice and Inconvenience of the Owners of such Highlands; for Remedy thereof for the future:

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XXXVIII. *BE it further Enacted, by the Authority aforesaid*, That no Person whatsoever shall take up and patent any Swamps, Marshes, or sunken Grounds, lying contiguous to the patented Highlands of any other Person or Persons, unless the Party intending to take up and patent the same, shall first, in the Presence of Two or more Witnesses, have given Notice of such his Intention, to the Proprietors for the Time being then in Possession of such Highland, particularly specifying the Lands intended to be taken up, and until one whole Year shall be fully expired, from and after the Time of such Notice given: And if within that Time, the Proprietor then in Possession shall not obtain Rights, and sue forth a Patent for such Lands, then it shall be lawful for the Person or Persons, who have given such Notice, his, her or their Heirs and Assigns, to take up and patent the same; in which Patent shall be particularly expressed, whether the Lands thereby granted are Swamps, Marshes, or sunken Grounds, and to whose Highlands they are adjoining: And all and every Patent and Patents, for such Lands, heretofore obtained at any Time, since the Twenty Fifth Day of *October*, in the Year of our Lord, One Thousand Seven Hundred and Ten, or which, at any Time hereafter, shall be sued forth or obtained, contrary to the Directions of this Act, shall be, and is, and are hereby declared to be null and void, to all Intents and Purposes, as if such Patent or Patents had never been obtained or granted. And if any Controversy concerning such Notice, as aforesaid, shall arise within Five Years after the same ought to have been given, the *Onus Probandi* shall lie upon the Person who ought to have given Notice; but where no such Controversy hath arisen, or shall arise within that Time, Five Years Possession shall be held and taken as sufficient Proof that due Notice has been given.

Rules in suing forth Patents for Swamps, Marshes, and sunken Grounds.

Patents for such, obtained since *October* 25, 1710. contrary to this Act, void.

Notice may be controverted within five Years, but not after.

XXXIX. *PROVIDED always*, That nothing in this Act, shall be construed or extend, to give Liberty to any Person or Persons to take up and patent any Swamps, Marshes, or sunken Grounds, lying contiguous to the Highlands of any Feme Covert, or Infant, under the Age of One and Twenty Years, or of any Person not being *Compos mentis*, under Pretence, or by Virtue of Notice being given, as aforesaid, either to such Feme, Infant, Person *non compos mentis*, or to the Husband, Guardian, or other Person then in Possession thereof.

Saving to Infants, and Persons under legal Incapacities.

XL. AND whereas, thro' the Ignorance or Negligence of Surveyors in former Times, divers Persons have held or hold, within the Bounds in their Patents expressed, greater Quantities of Land, than are mentioned in their Patents, or Deeds, and for which they pay no Quit-rents; For quieting such Possessions and preventing Controversies,

XLI. *BE it further Enacted, by the Authority aforesaid*, That it shall not be lawful for any Person to enter for any Parcel of Land, held of the Crown, for, or by Reason of its being Surplus Land, until the Party intending to take up and patent the same, shall have given Notice to the Person holding such Lands, in the like Manner, as is herein before directed for Swamps, Marshes, and sunken Grounds, and until one whole Year shall be fully expired, from and after such Notice given; and in case the Party in Possession, shall not, within the Year, obtain Rights, and sue forth a Patent for the Surplus Land by him held, it shall be lawful for the Person who gave Notice, as aforesaid, to survey, at his own Charge, the whole Tract within the Bounds of the Patent, Deed, or other Conveyance, whereby the same is, or shall be held, and thereupon to sue forth a new Patent, for all Surplus Land found within the same Bounds, which shall be granted to him in the same Manner, and under the like Limitations and Conditions, as Lands not before patented: But the Patentee or Possessor may assign such Surplus Land, in any Part of his Tract as he shall think fit, in one entire Piece.

Rules in Entries for Surplus Lands.

XLII. *PROVIDED always*, That if upon Notice given as aforesaid, the Person in Possession shall within the Year survey his Tract, and it be thereupon found, that he hath no more Land than he pays Quit-rents for, the Party giving such

Proviso.

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Five *per Cent.* Allowance for Variation of Inſtruments.

ſuch Notice ſhall be liable to pay all Charges of ſuch Survey; and moreover, for his unjuſt Vexation, ſhall alſo be liable to an Action upon the Caſe, at the Suit of the Party grieved; and that in all ſuch new Surveys, the Patentee or Poſſeſſor ſhall have an Allowance, at the Rate of Five Acres in every Hundred, for the Variation of Inſtruments.

Privilege of Tenant in Tail, or by the Curteſy.

Penalty if he fails to purſue the Directions of this Act.

XLIII. *PROVIDED alſo,* That where ſuch Notice ſhall be given to any Perſon, being Tenant in Tail, or Tenant by the Curteſy of *England*, of and in any Tract of Land where Surplus is alledged to be, ſuch Tenant ſhall, within the Year ſurvey the ſame, and give an Account to the Sheriff of the County wherein ſuch Tract ſhall lie, of the true Quantity of Surplus Land found therein, and thereafter pay the Quit-rents becoming due for the ſame; which Survey, and Payment of Quit-rents, ſhall be good and effectual to ſecure the Surplus to ſuch Tenant, and theſe claiming in Reverſion or Remainder, without ſuing forth any new Patent for the ſame, neither ſhall any Patent be granted to any Perſon petitioning for ſuch Surplus Land; but if upon Notice given, as aforeſaid, ſuch Tenant ſhall neglect or refuſe, within one Year then next to ſurvey, and give Account of the Surplus, if any be, to the Sheriff as aforeſaid, ſuch Tenant ſhall, for every ſuch Neglect or Refuſal, forfeit and pay Twenty Pounds Current Money, one Moiety to our Sovereign Lord the King, his Heirs and Succeſſors, and the other Moiety to the Informer; to be recovered with Coſts, by Action of Debt, or Information, in any Court of Record of this Dominion: And where, in Caſe of Survey ſo made, it ſhall appear, That ſuch Tenant holds no more Land than he already pays Quit-rents for, the Party giving Notice ſhall be liable as aforeſaid.

His Goods & Chattels liable for the Quit-Rents.

XLIV. AND that every Tenant in Tail, or by the Curteſy, ſhall from Time to Time be liable for the Quit-rents of all Lands by him or her reſpectively held, which may be levied upon the perſonal Eſtate of ſuch Tenant, in any County of this Colony, in the ſame Manner as the Law directs his Majeſty's Quit-rents to be collected, levied and paid.

Rules in ſeating and ſaving Lands.

XLV. AND for the better explaining and aſcertaining what ſhall be a ſufficient Seating, Cultivation, and Improvement, to ſave Lands from becoming lapſed or forfeited.

How and by whom Surveys ſhall be made.

XLVI. *IT is hereby further Enacted and Declared,* That every Survey of Lands intended to be patented, ſhall be made and returned by a ſworn Surveyor, duly commiſſioned for that Purpoſe, and that the Breadth of every Tract ſo to be ſurveyed, ſhall be one Third, at leaſt, in Proportion to the Length thereof, except where the Courſes ſhall be interrupted by Rivers, Creeks, or unpaſſable Mountains and Swamps, or by the Bounds of other Lands before taken up or patented.

Clearing, tending, and working the Land. Draining Marſhes, &c. Keeping Stocks.

XLVII. AND that for every Fifty Acres of Land, which ſhall be granted in or by any Patent, hereafter to be iſſued, the Patentee ſhall, within three Years after the Date of his Patent, clear, tend, and work three Acres, at the leaſt, and ſo proportionably for a greater or leſs Quantity, in ſome Part of his Tract where he ſhall think beſt; or ſhall clear and drain three Acres of Swamp or ſunken Grounds or Marſh, if any ſuch be within the Bounds of his Tract; or he ſhall put and keep on his Tract, within the Time aforeſaid, three neat Cattle, or ſix Sheep or Goats, for every Fifty Acres, during the Term of three Years.

Working Mines.

XLVIII. AND that if any Patentee or Proprietor ſhall, within three Years, as aforeſaid, begin to work in digging any Stone Quarry, Coal, or other Mine, upon his Tract, and continue the ſame for three Years then next following, he ſhall, for every able Perſon ſo employed, ſave One Hundred Acres.

Paſtures clear'd and fenced.

XLIX. AND that for every three Acres well fenced and cleared, which ſhall be kept and uſed for a Paſture, during the Term of three Years, the Patentee ſhall ſave Fifty Acres.

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L. AND that where the Patentee or Proprietor of any Lands shall, within three Years as aforesaid, expend any Sum or Sums of Money, or Tobacco, in building Houses, Water-Mills, or other Works, or in planting Trees, or quick-set Hedges, or making any other Improvements, for every Five Pounds current Money, or the Value thereof, so expended, he shall save Fifty Acres, and so proportionably for a greater or lesser Sum.

Buildings, planting Fruit-Trees, and other Improvements.

LI. AND that, for preventing Controversies touching the Value of such Buildings, or other Improvements, it shall be lawful for the Court of the County where such Lands shall lie, and they are hereby authorised and required, upon Application to them made by the Patentee or Proprietor, or his or her Agent, to order such Buildings and Improvements, to be viewed by two or more honest and indifferent Men, who shall be first sworn before a Justice of Peace, truly to value the same according to the best of their Judgment, having regard to such Accounts of the Expences as shall be to them produced, and reasonably proved upon Oath, or otherwise: Which Valuation so made, shall be returned to the said Court, and recorded in particular Books for that Purpose, and shall be adjudged, deemed, and taken to be sufficient Proof of the Value of such Improvements: And in case a Petition shall be preferred before such Valuation made, the General Court may order the same to be done in Manner aforesaid.

Valuation of Improvements

LII. *PROVIDED nevertheless*, that in every such Case the several Kinds of Buildings and Improvements shall be specially mentioned, and that before such Valuation shall be admitted to Record, the Proprietor or his or her Agent, or Attorney, shall make Oath in Court, That none of the said Buildings, Works, or Improvements, have been before valued and recorded, in order to the saving any of the said Lands.

Proviso.

LIII. *AND be it further Enacted by the Authority aforesaid*, That all and every the Cultivations and Improvements, herein before particularly specified and expressed, which heretofore have been, or hereafter shall be made, upon any patented Lands, within the Time in each Patent respectively limited, or before Petition shall be preferred, for obtaining a Grant thereof, as lapsed, shall enure to the Benefit of the Person making the same, and shall be accounted a sufficient Seating, Planting, Cultivation, and Improvement, to save for ever from lapsing, so much of every Tract respectively, in any Part thereof, and in Proportion to the Extent or Value of the several Cultivations and Improvements, as shall appear to have been made thereon, in the Manner by this Act directed and declared: And that no Lands so saved shall, at any Time afterwards be liable to be forfeited, for not complying with the Condition of Cultivation and Improvement, mentioned in the Grants thereof; but the Patentee, his Heirs and Assigns, shall at all Times thereafter be at Liberty to withdraw his Stock, and to forbear working on such Lands, if he or they think fit.

Cultivations & Improvements once made, according to this Act, shall for ever after save Lands from lapsing.

LIV. AND for preventing Controversies concerning the Bounds of Lands, *Be it further Enacted, by the Authority aforesaid*, That once in every four Years the Bounds of every Person's Land shall be processioned, or gone round, and the Land Marks renewed, in Manner following, that is to say, The Court of every County, at some Court between the first Day of *June*, and the first Day of *September*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One, and so between the first Day of *June*, and the first Day of *September*, in every Fourth Year thereafter, by Order of Court, shall direct the Vestry of each Parish within their County respectively, to divide their Parishes into so many Precincts, as to them shall seem most convenient, for processioning every particular Person's Land in their respective Parishes, and to appoint the particular Times, between the last Day of *September* and the last Day of *March* then next coming, when such Processioning shall be made in every Precinct; and also, to appoint two or more intelligent honest Freeholders of every Precinct, to see such Processi-

Bounds of Lands to be Processioned every fourth Year, beginning in 1751. Duty of County Courts.

oning

A. D. 1748.

oning performed, and to take and return to the Veſtry an Account of every Perſons Land they ſhall proceſſion, and of the Perſons preſent at the ſame, and what Lands in their Precincts they ſhall fail to proceſſion, and the particular Reaſons of ſuch Failure; a Copy of which Order ſhall be delivered by the Clerk of every Court reſpectively, to the Churchwardens of every Pariſh within his County, within fifteen Days after the making thereof; and the Churchwardens ſhall cauſe a Veſtry to be ſummoned, to meet within one Month after the Receipt of ſuch Order, at which Veſtry the ſame ſhall be exactly and punctually obeyed in every Particular; and thereupon Notice ſhall be given by the Churchwardens, at their Pariſh Church, at leaſt three *Sundays* next before the ſame is to be performed, of the Perſons and Times ſo appointed by the Veſtry, for proceſſioning in every ſeveral Precinct, as aforeſaid, and the Veſtry ſhall alſo cauſe the Accounts returned by the Freeholders, as aforeſaid, to be regiſtred in particular Books to be kept for that Purpoſe, by the Clerk of the Veſtry; and to prevent Miſtakes or Omiſſions in any ſuch Regiſter, the Churchwardens ſhall examine the ſame, in Preſence of the Veſtry, and compare the Regiſter with the original Returns, at the next Veſtry that ſhall be held after ſuch Return made, from Time to Time, and ſhall certify the ſame under their Hands in every Regiſter ſo by them examined and compared: And that no Perſon may pretend Ignorance, the Veſtries are alſo to direct what Precinct or Precincts in their Pariſh reſpectively every particular Freeholder thereof ſhall attend, and perform the Proceſſioning as aforeſaid: And where any Pariſh ſhall lie in ſeveral Counties, the Order of each County Court ſhall be delivered, as aforeſaid, to the Churchwardens of ſuch Pariſh, and ſhall alſo be obeyed by the Veſtry in Manner before directed: And if any County Court ſhall, at any Time hereafter, fail to make ſuch Order, as aforeſaid, every Juſtice of the Peace of ſuch County ſhall forfeit and pay One Thouſand Pounds of Tobacco; and if any Veſtry ſhall fail to obey and execute ſuch Order, every Member of ſuch Veſtry ſhall forfeit and pay Two Hundred Pounds of Tobacco; and every Churchwarden failing in his Duty by this Act required, ſhall forfeit and pay Five Hundred Pounds of Tobacco; and if any County Court Clerk ſhall fail in his Duty, as aforeſaid, he ſhall forfeit and pay One Thouſand Pounds of Tobacco: One Moiety of which ſeveral Forfeitures ſhall be to our Sovereign Lord the King, his Heirs and Succeſſors, for and towards the better Support of this Government and the contingent Charges thereof, and the other Moiety to the Informer; to be recovered with Coſts, by Action of Debt or Information in any Court of Record wherein ſuch Forfeiture ſhall be cognizable; and if any other Perſon, not having lawful Excuſe, ſhall fail to perform his Duty as is herein before required, every Perſon ſo failing ſhall forfeit and pay Five Hundred Pounds of Tobacco; to be recovered with Coſts, by the Churchwarden or Churchwardens of the Pariſh wherein ſuch Failure ſhall be, by Action of Debt or Information, in any County Court, and applied towards purchaſing Ornaments for the Church of ſuch Pariſh.

Churchwardens. Veſtries. Penalties on Failure by the Court. Veſtry. Churchwardens. Clerk of the Court. How to be recovered & appropriated. Penalty on the Perſons appointed to proceſſion. How recoverable.

LV. *PROVIDED always*, That in any Suit or Information brought againſt a Juſtice of Peace, Veſtryman, or Churchwarden, for any Breach of this Act, where the Defendant ſhall give ſufficient Evidence to the Court, where ſuch Suit or Information ſhall be depending, that he was neceſſarily abſent, or that being preſent, he offered to do his Duty purſuant to this Act, in ſuch Caſe the Suit or Information, as to ſuch Defendant, ſhall be diſmiſſed.

But juſt Cauſe of Abſence, or Diſability, may be pleaded in Bar.

LVI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Proceſſioning the Bounds of any Perſons Land, at three ſeveral Times heretofore made, according to the Directions of the Laws then in Force, or hereafter to be made purſuant to this preſent Act, ſhall be held, and is hereby declared to be, ſufficient to ſettle ſuch Bounds, ſo as the ſame may never afterwards be altered; and that every Proceſſioning, made in Purſuance of the ſaid former Laws, in Manner thereby preſcribed, ſhall be held, and is hereby declared to be one of the three Times of Proceſſioning by this Act held to be ſufficient.

Bounds proceſſioned three Times, ſhall never be altered. Former Proceſſions confirm'd.

LVII.

A. D. 1748.

LVII. AND for preventing the Inconvenience and Damage which may arise by any Persons refusing to suffer their Lands to be Processioned,

LVIII. *BE it further Enacted, by the Authority aforesaid,* That when any Controversy shall hereafter happen between Persons whose Lands lie contiguous, about their respective Bounds, and the Owner or Owners of such Lands shall refuse to suffer the same to be Processioned, in such Case the Freeholders appointed as aforesaid, shall, within Ten Days after such Refusal, certify the same, under their Hands, to the Churchwardens of the Parish wherein such Lands shall lie, who shall return such Certificate to the Court from which the Order for Processioning issued, at their next Sitting, and such Court shall thereupon order their Surveyor, with a Jury, to lay out the Bounds in Dispute, at the Charge of the Party against whom the Right to such Bounds shall be determined, and to return such Survey to the next Court after the same shall be made, which Return shall be recorded, and a Copy thereof sent by the County Court Clerk, within fifteen Days after such Return, to the Churchwardens of the Parish where the Lands lie, and shall be by them caused to be registred, in the Vestry Book of their Parish. Rules in Controversies about Bounds, where Persons refuse to suffer their Lands to be processioned.

LIX. AND that if such Lands shall happen to lie in two or more Counties, then Certificate as aforesaid shall be returned to the Court of each of the said Counties, and the Court of that County in which the Beginning of such controverted Bounds shall lie, shall order their Surveyor, with a Jury of their County, to survey the whole Bounds in Dispute, and the Sheriff of each County wherein the same shall lie, to attend the Surveyor, in their respective Counties; and such Survey shall be made, returned, recorded, and registred, in the Manner and at the Charge of the Party aforesaid; and that all and every Survey and Surveys, so as aforesaid made and registred, shall be held, deemed, and taken to be a sufficient Processioning of such Lands, to all Intents and Purposes, as if the same had been done by and with the Consent of the Owner thereof. Where the Lands lie in two or more Counties.

LX. AND that every Justice of Peace, Churchwarden, County Court Clerk, or other Person, failing in his Duty, as herein before required, and not having lawful Excuse, shall be liable to forfeit and pay the respective Penalties herein before mentioned and laid on them, or any of them; to be recovered in the Manner and to the Uses aforesaid. Penalties.

LXI. *PROVIDED always,* That the Processioning and Settlement of the Bounds of Lands, held by any Tenant for Life only, shall not bar or conclude the Heir in Reversion, or Remainder, but such Heir may at any Time, within Six Years after the Death of such Tenant, controvert the Bounds, as if no Processioning or Settlement had been made. Heir in Reversion, or Remainder, may, within 6 Years after the Death of Tenant for Life, controvert the Bounds.

LXII. AND that the processioning and settling the Bounds of Lands, belonging to any Person then being within the Age of One and Twenty Years, Feme Covert, *Non Compos Mentis,* imprisoned, or not resident within this Colony, shall not be conclusive to such Person or Persons, until Six Years after their respective Incapacities or Disabilities shall be removed or determined. And also Persons under legal Disabilities.

LXIII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall at any Time shoot, hunt, or range, upon the Lands or Tenements, or Fish, or Fowl, in any Creeks or Waters, included within the Bounds of any other Person or Persons, without Licence first obtained of the Owner of such Lands, every such Offender shall forfeit and pay Twenty Shillings for every such Offence; to be recovered with Costs, before any Justice of Peace of the County where the Offence shall be committed, by the Informer, to his own Use; in which Information the Confession of the Party accused, or the Oath of one credible Witness, shall be sufficient Evidence; and where Penalties for unlawful Hunting, Fishing or Fowling. 20 s. for every Offence, to the Informer. What shall be good Evidence.

 the

A. D. 1748. Where the Owner of the Land proſecutes, his Oath ſhall convict the Offender, but the Penalty ſhall be to the Pariſh. The Offender alſo liable to Action at the Common Law

the Owner of the Land ſhall proſecute for any unlawful ſhooting, hunting, ranging, fiſhing, or fowling within his Bounds, the Oath of ſuch Owner ſhall be ſufficient Evidence to convict the Offender; but in that Caſe the Penalty ſhall be paid to the Churchwardens of the Pariſh wherein the Offender reſides, to the Uſe of their Pariſh; and moreover, every ſuch Offender ſhall be liable to the Action of the Party grieved, at the Common Law, for his or her Damages.

Upon a third Conviction, the Offender, beſides paying the Penalty, ſhall be bound to the Behaviour. Or commited. Conviction of ſuch Offence, after Security given, ſhall be a Breach of the Behaviour.

LXIV. AND that if any Perſon ſhall be the third Time convicted of any ſuch Offence, as aforeſaid, the Juſtice of Peace before whom ſuch Conviction ſhall be, over and above, giving Judgment for the aforeſaid Forfeiture, ſhall require ſuch Offender to enter into Recognizance, with one or more ſufficient Sureties, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Penalty of Ten Pounds Current Money, for his good Behaviour, during one whole Year from thence next following, or in Caſe of Refuſal ſo to do, ſhall commit him to the Common Goal, there to remain until he give ſuch Security, or until the Expiration of one Month, and if after ſuch Surety given, ſuch Offender ſhall be convicted of ſhooting, hunting, ranging, fiſhing, or fowling, unlawfully as aforeſaid, within the Time in his Recognizance limited, ſuch Offence ſhall be a Breach of the good Behaviour, and the Penalty of his Recognizance ſhall be forfeited, to the King, for the Uſe of the Pariſh wherein ſuch Conviction ſhall be.

Every Perſon preſent at any Fire-hunting forfeits 20 s. If an Indian, his Gun may be ſeiſed.

LXV. AND that whoſoever ſhall uſe any Fire-hunting, or the killing of any Deer by ſuch Means, every Perſon preſent at ſuch Fire-hunting, ſhall forfeit and pay Twenty Shillings for every ſuch Offence, to the Informer; to be recovered in the like Manner, and upon ſuch Evidence, and to the ſame Uſe or Uſes, as the before recited Offences of unlawful ſhooting, hunting, ranging, fiſhing, or fowling, are directed to be recovered and applied: And if any Indian be found Fire-hunting, as aforeſaid, it ſhall be lawful for the Owner of the Land where he ſhall be ſo found, or his or her Overſeer, to ſeiſe and take away the Gun of ſuch Indian, and the ſame to keep to his own Uſe.

Repealing Clauſe.

LXVI. *AND be it further Enacted, by the Authority aforeſaid,* That all and every other Act and Acts, Clauſe and Clauſes heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed.

This Act ſuſpended 'til approved by His Majeſty,

PROVIDED always, That the Execution of this Act ſhall be ſuſpended, until his Majeſty's Approbation thereof firſt had and obtained.

CHAP. II.

An Act declaring Slaves to be perſonal Eſtate, and for other Purpoſes therein mentioned.

Preamble. Ch. 23, 1705. Ch. 11, 1727. Ch. 33, 1705.

I. WHEREAS one Act of Aſſembly was made in the fourth Year of the late Queen *Anne*, intituled, *An Act declaring the Negro, Mulatto, and Indian Slaves, within this Dominion to be real Eſtate,* which was afterwards explained by one other Act paſſed in the firſt Year of his preſent Majeſty's Reign, intituled, *An Act to explain and amend the Act, for declaring the Negro, Mulatto, and Indian Slaves within this Dominion, to be real Eſtate,* and Part of one other Act, intituled, *An Act for the Diſtribution of Inteſtates Eſtates, declaring Widows Rights to their deceaſed Huſbands Eſtates, and for ſecuring Orphans Eſtates*; which Acts having been found inconvenient, and not to anſwer the Ends thereby intended,

Repeal of the recited Acts.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority* of

of the same, That the said Two recited Acts, and every Clause and Article thereof, shall be, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made: And that for the future, all Slaves whatsoever shall be held, deemed, and taken, to be Chattels personal.

A. D. 1748.

Slaves declared to be Chattels personal.

III. *PROVIDED always, and be it Enacted, by the Authority aforesaid*, That nothing herein contained, shall be construed, deemed, or taken, to alter or defeat the Right, Title, Property, Claim, or Demand of any Person or Persons whatsoever, of, in, or to any Slave or Slaves which hath heretofore accrued to him, her, or them, by Virtue of the said two recited Acts; any Thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

But this Act shall not alter any former Right.

IV. *PROVIDED also*, That no Slaves whatsoever shall be forfeited, except in such Cases wherein the Lands and Tenements of the Person incurring the Forfeiture are, should, or might be forfeited.

Slaves not liable to Forfeiture, except where Lands might be forfeited.

V. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force, from and immediately after the tenth Day of *June*, which shall be in the Year of Our Lord One Thousand Seven Hundred and Fifty One.

Commencement of this Act.

CHAP. III.

An Act for the Distribution of Intestates Estates.

I. FOR the more equal Distribution of the Estates of Persons dying Intestate, within this Dominion, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That after Debts, Funeral, and other just Expences first paid and allowed, the Surplus of all and singular the Goods, Chattels, and personal Estate, other than Slaves, of every Person dying Intestate, shall be distributed amongst the Wife and Children, or Childrens Children, if any such, or otherwise to the next of Kin to the dead Person, in equal Degree, or representing their Stocks, according to their respective legal Rights, and the Rules and Limitations herein after expressed, and not otherwise: That is to say, One third Part of such Surplus to the Wife of the Intestate, and all the Residue in equal Proportion to and amongst his Children, and in Case any such Child or Children be then dead, to such Person or Persons as legally represent them, other than such Child or Children who have had any Estate, Settlement, or Portion, from the Intestate in his Life-time, equal in Value to the Share arising by such Distribution to each of the other Children: But if such Estate, Settlement, or Portion, be of less Value than such Child or Children shall be intituled to, so much of the Surplus aforesaid as shall make his, her, or their Share, or Shares, equal to the Share of each of the other Children, as near as can be estimated; and the Heir at Law, notwithstanding any Land he may have by Descent, or otherwise, from the Intestate, shall nevertheless have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land.

Distribution of the personal Estate, except Slaves.

The Wife's Part.

The Children's, or their Representatives.

Heir at Law shall have an equal Share.

II. AND if after the Death of a Father, any of his Children shall die Intestate, without Wife or Children, and in the Life-time of the Mother, every Brother, and Sister, and the Representatives of them, shall have an equal Share with her; and if all the Children shall die Intestate, without Wife or Children, in the Life-time of the Mother, then the Portion of the Child, so dying last, shall be equally divided; one Moiety to the Mother, and the other Moiety to the next of Kin by the Father; and if there be no such Kindred, the whole shall be to the Mother.

Where a Child dies Intestate, in the Mother's Life-time, and without Wife or Child.

III.

A. D. 1748.

Where no Children, or Repreſentatives.

III. AND in Caſe there be no Children, nor any legal Repreſentatives of them, then one Moiety of the Surplus aforeſaid, ſhall be to the Wife of the Inteſtate, and the other Moiety to the next of Kin to ſuch Inteſtate, who are in equal Degree, and thoſe who legally repreſent them; and if there be no ſuch Kindred, then all the ſaid Surplus ſhall be to the Wife.

Who may be Repreſentatives. Where the Inteſtate dies without Wife,

IV. *PROVIDED always*, That there be no Repreſentatives admitted among Collaterals, after Brothers and Siſters Children; and that in Caſe there be no Wife, then all the Surplus aforeſaid, ſhall be equally diſtributed to and among the Children; and if there be no Child, then to the next of Kin to the Inteſtate, and their legal Repreſentatives, as aforeſaid.

The Widow's Dower of Slaves, How to be recovered, Held, and determined. Veſted in the Heir,

V. *AND be it further Enacted, by the Authority aforeſaid*, That when any Perſon dies Inteſtate, his Widow ſhall have one full and equal third Part of all his Slaves, which upon her Petition to the Court, granting Certificate of Adminiſtration of her Huſbands Eſtate, ſhall be aſſigned to her, by Perſons for that Purpoſe to be nominated and appointed by the ſaid Court; and ſhe ſhall hold ſuch Slave and Slaves, and all their Increaſe, during her natural Life, and after her Death, the ſaid Slaves, and their Increaſe, which ſhall be then living, ſhall be appraiſed, and ſhall deſcend to, and be veſted in the Heir at Law of the Inteſtate, but he ſhall be anſwerable to the other Children, or their legal Repreſentatives, for their proportionable Value of the ſaid Slaves, in the ſame Manner as is herein after directed, for the other remaining Slaves.

And alſo all the other Slaves, but he muſt pay a Proportion of the Value to the other Children.

VI. AND the other remaining Slaves of the Inteſtate ſhall be immediately veſted in his Heir, but he ſhall be anſwerable to the other Children, or their legal Repreſentatives, for their proportionable Part of the true Value of ſuch remaining Slaves, in the ſame Manner as by this Act is directed for the Diſtribution of the other perſonal Eſtate of the Inteſtate.

Former Rights and Titles to Slaves, confirm'd.

VII. *PROVIDED always, and be it Enacted*, That nothing herein contained ſhall extend, or be conſtrued to extend, to alter or defeat any Eſtate, Right, Title, or Intereſt, of, in, or to any Slave or Slaves held as Dower, before the Commencement of this Act; but the ſame ſhall deſcend, paſs, and go in the ſame Manner as if this Act had never been made; any Thing herein to the contrary, or ſeeming to the contrary, notwithſtanding.

Widow, or her Huſband, permitting ſuch Slaves to be ſent out of this Colony, forfeits all her Dower.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Widow, poſſeſſed of any Slave or Slaves, as of the third Part of her Huſbands Slaves, ſhall ſend or permit to be ſent out of this Colony, ſuch Slave or Slaves, or any of their Increaſe, without the lawful Conſent of him or her in Reverſion, ſuch Widow ſhall forfeit ſuch Slave or Slaves, and all other her Dower of ſuch Huſbands Eſtate, unto the Perſon or Perſons having the Reverſion thereof; and if the Huſband of any Widow, poſſeſſed as aforeſaid, ſhall ſo ſend, or permit any ſuch Slave or Slaves to be ſent out of this Colony, it ſhall be lawful for him or her in Reverſion to enter into, poſſeſs, and enjoy all the Eſtate held by ſuch Huſband, in Right of his Wifes Dower and third Part, for and during the Lifetime of ſuch Huſband.

Method of recovering Partition of Slaves.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon or Perſons have, or ſhall have Right to demand a third Part, or have Partition of any Slave or Slaves, ſuch Perſon or Perſons ſhall and may exhibit a Bill in Equity for that Purpoſe, againſt the Perſon or Perſons of whom the ſame may be demanded, and the Court before whom ſuch Bill ſhall be exhibited, ſhall compel the Defendant or Defendants to anſwer, and ſhall and may proceed upon ſuch Bill and Anſwer, altho' the Defendant or Defendants, or any of them, be under the Age of Twenty One Years, according to the Courſe and Rules of Equity, and ſhall and may make ſuch Decree, for the Aſſignment of ſuch third Part,

Part, or making such Partition, in such Manner as shall be most agreeable to Equity. *A. D.* 1748.

X. AND that where it shall be necessary for the Child or Children of any Person whatsoever, to bring any Suit against the Heir at Law, for recovering his or their Proportion of the Value of any Slave or Slaves, pursuant to this Act, such Child or Children shall and may exhibit his or their Bill in a Court of Equity, for recovering such Proportion; and such Court shall and may proceed upon the Bill, and the Answer of the Defendant, altho' he shall be under the Age of Twenty One Years, and give such Relief, for the recovering, and compelling the Payment of such Proportion, of the true Value of such Slave or Slaves, as shall be agreeable to the Rules of Equity.

Or a Proportion of the Value.

XI. *AND be it further Enacted, by the Authority aforesaid,* That when any Person dies Testate, and leaves one or two Children, and no more, he shall not have Power to dispose of more than two third Parts of his Estate, by Will, to any other Person or Persons than his Wife, and one third Part thereof, at least, shall be given to her; and if he leaves more than two Children, his Wife shall not have less than a Child's Part, according to the Number of Children; but if he leaves no Child, then the Wife shall have at least an equal Moiety of his Estate: And when any Widow shall not be satisfied with the Provision made for her by her Husband's Will, it shall be lawful for such Widow, within nine Months after her Husband's Death, before the Court where such Will shall be proved, or by Deed executed in the Presence of two or more Witnesses, to declare, that she will not accept, receive, or take the Legacy, or Legacies to her given, or bequeathed, or any Part thereof, and will renounce all Benefit and Advantage which she might Claim by such last Will; and after such Declaration, to demand and recover the third Part of all the Slaves whereof her Husband died possessed, which she shall enjoy during her natural Life, and after her Death, or other Determination of that Estate, the said Slaves shall go to the Person or Persons in whom the Property thereof would have vested, in Case the same had not been demanded; and moreover, such Widow shall have such Share of the other personal Estate of her Husband, as by this Act is directed: But if such Declaration be not made within the Time before limited, she shall be for ever barred, to claim any other Part of her Husbands Estate, than is or shall be given, or bequeathed to her, by his last Will.

What Part of his Estate a Testator shall leave his Wife.

Her Remedy, where she is dissatisfied with her Husband's Will.

XII. *PROVIDED always,* That if such Widow dies before Distribution of her Husband's Estate shall be made, according to this Act, in that Case her Executors, or Administrators, may demand and recover so much as shall be given her by Will, and no more; and where the Widow of any Person dying Intestate shall depart this Life before Administration of her Husbands Estate shall be granted, the Right of such Widow to such Estate, or any Part thereof, shall be determined, and her Executors, or Administrators, shall not have any Action for Recovery thereof.

Limitation of a Widows Right

XIII. AND to the End due Regard may be had to Creditors, *Be it further Enacted, by the Authority aforesaid,* That no Distribution of the Goods of any Intestate shall be made before the Expiration of nine Months after his or her Death; and that every Person claiming any Share or Part therein, shall give Bond with sufficient Sureties, in the Court where such Distribution shall be made, that if any just Debt, or Debts, owing by the Intestate, shall thereafter appear, be sued for, or recovered, he or she will refund, and pay back to the Administrator, his or her proportionable Part of such Debt and Debts, and of all Costs and Charges occasioned thereby, that the Administrator may be enabled to pay and satisfy the same.

When & how Distribution shall be made.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That the Widow of every Person dying Intestate, shall be endowed of one full and equal third Part

Widows Dower in Lands & Tenements.

A. D. 1748. Part of all her Huſbands Lands, Tenements, and other real Eſtate, in Manner as is directed and preſcribed by the Laws and Conſtitutions of the Kingdom of *England*; and till ſuch Dower ſhall be aſſigned, it ſhall be lawful for her to remain and continue in the Manſion Houſe, and the Meſſuage or Plantation thereto belonging, without being chargeable to pay the Heir any Rent for the ſame.

Jointures excepted.

XV. *PROVIDED always*, That where any Widow ſhall have ſuch a Jointure ſettled on her in the Life-time of her Huſband, as by Law doth barr her of her Dower, ſhe ſhall not hold Poſſeſſion of any Houſes or Meſſuages of ſuch Huſband, other than what ſhall be ſo ſettled on her.

Repealing Clauſe.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be, and are hereby repealed.

Commencement of this Act.

XVII. *AND be it further Enacted by the Authority aforeſaid*, That this Act ſhall commence, and be in Force, from and immediately after the Tenth Day of *June*, which ſhall be in the Year of our Lord, One Thouſand Seven Hundred and Fifty One.

CHAP. IV.

An Act for the better Management and Security of Orphans, and their Eſtates.

Fathers may by Deed, or Will, diſpoſe of the Cuſtody and Tuition of their unmarried Infant-Children.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That where any Perſon hath, or ſhall have, any Child or Children, under the Age of Twenty One Years, and not married, at the Time of his Death, it ſhall and may be lawful, to and for the Father of ſuch Child or Children, whether born at the Time of the Deceaſe of the Father, or then an Infant or Infants in the Womb, or whether ſuch Father be within the Age of One and Twenty Years, or of full Age, by his Deed executed in his Life-time, or by his Laſt Will and Teſtament in Writing, in the Preſence of two or more credible Witneſſes, in ſuch Manner, and from Time to Time as he ſhall think fit, to diſpoſe of the Cuſtody and Tuition of ſuch Child or Children, for and during ſuch Time as he, ſhe, or they ſhall remain under the Age of One and Twenty Years, or for any leſſer Time, to any Perſon or Perſons, in Poſſeſſion or Remainder, other than Popiſh Recuſants; and every ſuch Diſpoſition heretofore made, or hereafter to be made, ſhall be good and effectual againſt all and every Perſon and Perſons claiming the Cuſtody and Tuition of ſuch Child or Children, as Guardian in Soccage, or otherwiſe; and the Perſon or Perſons to whom ſuch Cuſtody and Tuition hath been or ſhall be ſo diſpoſed, or deviſed, ſhall and may maintain an Action of Raviſhment of Ward, or Treſpaſs, againſt any Perſon or Perſons who ſhall wrongfully take away or detain ſuch Child or Children, for the Recovery of ſuch Child or Children and ſhall and may recover Damages for the ſame, in the ſaid Action, for the Uſe and Benefit of ſuch Child or Children.

Such Guardian ſhall have Cuſtody of the Infants Eſtate.

II. AND that every Perſon and Perſons to whom ſuch Cuſtody and Tuition hath been, or ſhall be ſo diſpoſed, or deviſed, as aforeſaid, ſhall and may take into his or their Cuſtody, to the Uſe of ſuch Child or Children, the Profits of all Lands, Tenements, and Hereditaments, and alſo, the Slaves, Goods, Chattels, and Perſonal Eſtate of ſuch Child or Children, till their reſpective Age of One and Twenty Years, or any leſſer Time, according to ſuch Diſpoſition aforeſaid, and may bring ſuch Action or Actions, in Relation thereunto, as by Law a Guardian in common Soccage might do.

III. PRO-

A. D. 1748.

III. *PROVIDED always*, That nothing herein before contained, shall extend to discharge any Apprentice from his Apprenticeship: Nor to take away the Power of the General Court, or County Court, upon Complaint to them made, of such Guardian abusing the Trust reposed in him, by misusing the Child or Children under his Tuition, or neglecting the Care of their Education suitable to their Estate, or wasting, converting to his own Use, or otherways mismanaging such Estate, to make and establish, from Time to Time, such Rules, Orders and Decrees for securing the Estate, and for the better Education and Usage of such Orphans, as they in their Discretion shall judge meet and necessary.

But may not discharge an Apprentice: Nor abridge Power of Court.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the General Court, and the several County Courts of this Dominion, within their respective Jurisdictions, have, and shall have full Power and Authority, from Time to Time, to take Cognizance of all Matters concerning Orphans and their Estates, and to appoint Guardians in such Cases, where to them it shall appear necessary, and shall take good Security of all Guardians by them appointed, for the Estates of the Orphans to them respectively committed; and if any County Court shall commit an Orphans Estate, to the Charge or Guardianship of any Person or Persons, without taking good and sufficient Security for the same, in such Case, the Justices appointing such Guardian, or committing such Estate, and every of them, shall be liable for all Loss and Damage sustained by the Orphan, for Want of such Security; to be recovered with Costs, by Action at the Common Law, in any Court of Record, at the Suit of the Party grieved.

Jurisdiction of the General Courts, and County Courts concerning Orphans, and Guardians.

Courts shall take Security of Guardians by them appointed.

County Court failing so to do, the Justices liable for Damages.

V. *PROVIDED always*, That where the Securities were good at the Time of their being so accepted and taken, but afterwards become insolvent, in such Case the Justices shall not be liable.

Where not liable.

VI. *AND be it further Enacted, by the Authority aforesaid*, That wherever a Guardian shall be appointed to any Orphan, by the General Court, or by any County Court, such Guardian shall, at the next Court after his Appointment, exhibit his Account upon Oath, of all the Estate of such Orphan, which he shall have received into his Hands; and every Guardian heretofore, or hereafter to be by such Court appointed, shall, once every Year, exhibit his Account and State of the Profits and other Incomes of the Estate of such Orphan, upon his Oath: And such Accounts so to be exhibited, shall be entred by the Clerk in a Book to be provided and kept for that Purpose only: And when the said Courts shall respectively know, or be informed, That any Guardian or Guardians, by them respectively appointed, do waste or convert the Money or Estate of any Orphan to his or their own Use, or do in any Manner mismanage the same, or do not take due Care of the educating and maintaining any Orphan, according to his Degree and Circumstances; or where such Guardian or his Securities are likely to become insolvent, such Court shall have Power, from Time to Time, to make and establish such Orders and Rules, for the better ordering, managing, and securing such Estate, and for the better educating and maintaining such Orphans, or to appoint another Guardian, as they in their Discretion shall think most fit and expedient.

Duty of Guardians appointed by the Court

Their Accounts to be entred by the Clerk.

Power of Courts relating to Guardians Breach of Trust.

Or becoming insolvent.

VII. AND that every Person heretofore appointed, or hereafter to be appointed Guardian to any Orphan, by any County Court, shall, at the Court held for that County in the Month of *August*, in every Year, or if no Court be then held, at the next succeeding Court held for that County, exhibit such Account as aforesaid: And the Justices of every County Court shall yearly, at the same Court, examine into all Accounts of Guardians so to be exhibited to them, and shall direct Process to issue returnable to their next Court, against all Guardians who shall then fail to appear and render such Account, whether such Guardian be resident in the same or in any other County; and shall then also enquire into the Abuses and Mismanagements of Guardians, and whether they or their Securities are likely to become insolvent, and thereupon to proceed according to the Power in this Act before given

Guardians shall render annual Accounts.

To be examined by the Justices.

Process against Guardian failing.

A. D. 1748.

Penalty on Juſtices failing.

given them; and the Juſtices of every County Court who ſhall fail or neglect to do their Duty herein, ſhall forfeit and pay the Sum of Five Thouſand Pounds of Tobacco, one Half to our Sovereign Lord the King, his Heirs and Succeſſors, to and for the Uſe of the County, and the other Half to the Informer; to be recovered by Action of Debt or Information, in any Court of Record in this Colony.

Court may, at any Time, enquire into the Conduct of Guardians.

VIII *PROVIDED always*, That nothing herein before contained ſhall be conſtrued to abridge or reſtrain the Power of the ſeveral County Courts to enquire, as often as they ſhall think proper, into the Abuſes and Miſmanagements of Guardians, but that it ſhall be lawful for them to exerciſe ſuch Power, at any Time or Times, when to them it ſhall appear neceſſary; any Thing in this Act to the contrary, or ſeeming to the contrary notwithſtanding.

What Guardians may charge in their Accounts.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall be lawful for every Guardian, to charge in his Account, all reaſonable Diſburſements, and Expences; and if upon rendring ſuch Account, it ſhall appear to the Court, That ſuch Guardian hath really and *bonâ fide* diſburſed more in any one Year than the Profits of the Orphans Eſtate do amount unto, for the Education and Maintenance of the Orphan, ſuch Guardian ſhall be allowed and paid, for the ſame, out of the Profits of ſuch Orphans Eſtate, in any other Year during his or her Guardianſhip.

Diſburſements muſt be ſuitable to the Orphan's Degree and Eſtate.

Proviſion for poor Orphans.

X. *PROVIDED always*, That ſuch Diſburſements be, in the Opinion of the Court, ſuitable to the Degree and Circumſtances of the Eſtate of ſuch Orphan: And that where ſuch Eſtate ſhall be of ſo ſmall Value, that no Perſon will educate and maintain him or her for the Profits thereof, ſuch Orphan ſhall, by Direction of the Court, be bound Apprentice, every Male to ſome Tradeſman, Merchant, Mariner, or other Perſon approved by the Court, until he ſhall attain the Age of One and Twenty Years, and every Female to ſome ſuitable Trade or Employment, 'til her Age of Eighteen Years; and the Maſter or Miſtreſs of every ſuch Servant, ſhall find and provide for him or her, Diet, Cloaths, Lodgings and Accommodations fit and neceſſary, and ſhall teach, or cauſe him or her to be taught to read and write, and at the Expiration of his or Apprenticeſhip, ſhall pay every ſuch Servant, the like Allowance as is by Law appointed for Servants by Indenture or Cuſtom, and on Refuſal, ſhall be compelable thereto in like Manner: And if upon Complaint made to the County Court, it ſhall appear, that any ſuch Apprentice is ill uſed, or not taught the Trade or Profeſſion to which he or ſhe was bound, it ſhall be lawful to ſuch Court to remove and bind him or her to ſuch other Perſon or Perſons as they ſhall think fit.

How Securities for an inſolvent Guardian may be relieved.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon who now is, or hereafter ſhall be Security for the Eſtate of any Orphan, ſhall afterwards conceive himſelf in Danger by Reaſon thereof, and petition the Court where ſuch Security was entred into for Relief, it ſhall be lawful for ſuch Court, upon ſuch Petition to them exhibited, forthwith to order Summons to iſſue againſt the Party or Parties, with and for whom the Petitioner ſtands bound, returnable to the next Court; and thereupon to compel ſuch Party or Parties to give ſufficient, other, or counter Security, to be approved by the ſaid Court, or to deliver up the Eſtate to the Petitioner, or ſuch other Perſon as the Court ſhall direct, or they may, and are hereby impowered to make ſuch other Order or Decree therein, for Relief of the Petitioner and better ſecuring ſuch Orphans Eſtate, as to them ſhall appear juſt and equitable.

Proviſo.

XII. *PROVIDED always*, That ſuch Court ſhall take good and ſufficient Security of the Perſon or Perſons to whom ſuch Eſtate ſhall be ſo committed, in the like Manner, and under the like Penalty, as is by this Act required to be taken of Guardians appointed by the Court; and every ſuch Perſon ſhall alſo exhibit his Account,

count, and be subject to the Rules and Orders of the Court, in the same Manner, to all Intents and Purposes, as is herein before required of Guardians, or they are made subject unto. *A. D.* 1748.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That when any Guardian, or Person chargeable with the Estate of any Orphan, or with the Estate of a Person deceased, to him committed by any Court of Record in this Colony, shall die so chargeable, the Executors and Administrators of such Person so dying shall be compellable to pay and satisfy, out of the Estate of their Testator or Intestate, so much as shall appear due to the Estate of such Orphan, or Person deceased, before any other or proper Debt whatsoever of such Testator, or Intestate; any Law, Custom, or Usage, to the contrary thereof, in any wise, notwithstanding. Where a Guardian dies, the Orphans Estate shall be secured before any other Debt.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby Repealed. Repealing Clause.

XV. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence, and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of Our Lord One Thousand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. V.

An Act directing the Manner of granting probats of Wills, and Administration of Intestates Estates.

I. **B***E it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the County Courts of this Dominion, and every of them, within their respective Counties, have and shall have Jurisdiction and Authority to hear and determine all Causes, Matters, Suits, and Controversies Testamentary, which shall be brought before them, and to examine and take the Proof of Wills, and to hear and determine the Right of Administration of the Estates of Persons dying Intestate, and to grant Certificates thereof, to the Governor or Commander in Chief of this Dominion, for the Time being, or to his Deputy, or Deputies appointed for that Purpose, being a Member, or Members of the said Courts respectively, for obtaining thereupon a Probat, or Administration with the Will annexed, or a Commission of Administration, as the Case shall require, according to the Methods and Rules herein after directed: That is to say, If any Person having a Mansion House, or other Place of known Residence and Abode, within this Dominion, shall depart this Life, and dispose of his or her Estate, or any Part thereof, by Will, such Will shall be proved in the Court of that County where such Mansion House, or Place of Residence shall be; and if any Person having no Mansion House, or Place of Residence, within this Colony, shall devise Lands therein, by Will, in Writing, such Will shall be proved in the Court of that County wherein such Lands shall lie, and if such Lands lie in several Counties, and the Testator dies in any one of them, his Will shall be proved in that County where he died; and if he dies in some other County, then in the Court of one of the Counties wherein such devised Lands shall lie, and not in any other County; and every such Will so proved, as aforesaid, shall be as effectual for the disposing of Lands, or any other Estate, as if the same had been proved in every County where any of the Lands or Estate shall be. County Courts may take Proof of Wills, and grant Administrations. Rules for Probats of Wills.

II. AND where any Person shall depart this Life, having first made a Will, and therein appointed his Executor or Executors, and they shall all of them refuse Where Executors refuse, Administration

A. D. 1748.

on with the Will annexed ſhall be committed.

fuſe the Executorſhip, in ſuch Caſe, the ſame Court wherein the Will ſhould have been proved, if the Executors had accepted the Truſt, ſhall have Power and Authority to hear and determine the Right of Adminiſtration, and to grant Certificate for obtaining Letters of Adminiſtration with the Will annexed.

When Wills may be proved in Court.

III. WHEN any Will ſhall be exhibited to be proved in the General Court, or in any County Court, ſuch Court may proceed immediately to receive the Proof thereof, and to appoint Appraiſers to value the Slaves and perſonal Eſtate of the Teſtator.

Where the Heir at Law may conteſt the Will.

Rules in Caſe of ſeveral Heirs.

Or, where no Heir is known.

Infants, &c. may conteſt a Will, within 10 Years after Diſabilities removed.

IV. BUT where by any Will the Lands of the Teſtator, or any Part thereof, ſhall be deviſed away from the Heir or Heirs at Law, ſuch Proof, as to him her or them, ſhall not be binding, but the Court ſhall cauſe ſuch Heir or Heirs to be ſummoned, to appear at the next Court, and to conteſt the Validity of ſuch Will, if he, ſhe, or they think fit; and if there be ſeveral Heirs, in equal Degree to the Teſtator, every ſuch Heir ſhall be ſo ſummoned; and if no Heir be known to the Court, or to the Executors, who ſhall declare the ſame upon Oath, before ſuch Court, then Proclamation of ſuch Will, being exhibited and proved, ſhall be made by the Sheriff at the Court Houſe, on Two ſucceſſive Court Days, and he ſhall alſo publiſh Notice thereof, in Writing, affixed at the Door of every Church in his County, and all Perſons concerned in Intereſt, who at the Time of proving any Will, ſhall be under the Age of One and Twenty Years, Feme Covert, *Non Compos Mentis*, impriſoned, or out of this Colony, ſhall have Liberty to conteſt the Proof thereof, within Ten Years after their ſeveral Diſabilities and Incapacities removed, and not afterwards.

Rules in Caſes of Adminiſtration.

V. AND if any Perſon having a Manſion Houſe, or other known Place of Reſidence, within this Dominion, ſhall die Inteſtate, the Court of that County wherein ſuch Manſion Houſe, or Place of Reſidence is, ſhall hear and determine the Right of Adminiſtration of the Eſtate of ſuch Inteſtate, and grant Certificate thereof in Manner aforeſaid.

VI. WHERE the Inteſtate had no Manſion Houſe, or known Place of Abode in this Colony, Certificate for obtaining Adminiſtration ſhall be granted by the Court of the County wherein he died: If an Executor or Adminiſtrator dies Inteſtate, not having fully adminiſtered the Eſtate of his Teſtator or Inteſtate, the ſame Court by whom Certificate for Probat, or Adminiſtration was granted to ſuch Executor, or Adminiſtrator, ſhall determine the Right of Adminiſtration of the Eſtate not adminiſtred, and grant Certificate thereof.

Deviſe of Lands, or Tenements muſt be in Writing. How to be atteſted.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all Deviſes and Bequeſts of any Lands, or Tenements, ſhall be in Writing, and ſigned by the Party diviſing the ſame, or by ſome other Perſon in his Preſence and by his expreſs Direction, and ſhall be atteſted, and ſubſcribed in the Preſence of the ſaid Deviſor, by two or more credible Witneſſes, or ſhall be wholly writ by the ſaid Deviſors own Hand, or elſe they ſhall be void and of no Effect.

Such Deviſes ſhall remain valid, unleſs revoked in Writing, or cancelled, by the Deviſor.

VIII. AND that no Deviſe, in Writing, of Lands, Tenements, or Hereditaments, or any Clauſe thereof, ſhall at any Time afterwards be revocable, otherwiſe than by ſome other Will, or Codicil, in Writing, or other Writing declaring the ſame, or by burning, cancelling, tearing, or obliterating the ſame, by the Teſtator himſelf, or in his Preſence, and by his Directions and Conſent: But all Deviſes and Bequeſts of Lands, or Tenements, ſhall remain and continue in Force, until the ſame be burnt, cancelled, torn, or obliterated, by the Teſtator himſelf, or by his Directions in Manner aforeſaid, or unleſs the ſame be altered by ſome other Will, or Codicil, in Writing, or other Writing of the Deviſor, ſigned in the Preſence of Two or more Witneſſes, declaring the ſame; any Law, or Uſage, to the contrary, notwithſtanding.

A. D. 1748.

IX. AND for Prevention of fraudulent Practices, by setting up Nuncupative Wills, *Be it further Enacted, by the Authority aforesaid,* That no Nuncupative Will shall be good, where the Estate thereby bequeathed, shall exceed the Value of Ten Pounds Current Money, that is not proved by the Oaths of two or more Witnesses, present at the making thereof; nor unless it be proved that the Testator, at the Time of pronouncing the same, did bid the Persons present, or some of them, bear Witness, that such was his Will, or to that Effect; nor unless such Nuncupative Will were made in the Time of the last Sickness of the deceased, and in the House of his or her Habitation or Dwelling, or where he, or she hath been resident for the Space of Ten Days, or more, next before the making of such Will; except where such Person was surprised or taken sick, being from his or her own House, and died before he or she returned to the Place of his Dwelling. Rules concerning Nuncupative Wills.

X. *AND be it further Enacted, by the Authority aforesaid,* That after Six Months passed, after the speaking of the pretended Testamentary Words, no Testimony shall be received to prove any Will Nuncupative, except the said Testimony, or the Substance thereof, were committed to Writing, within Six Days after the making such Will. Where they shall not be of Force.

XI. AND that no Certificate for granting Probat of any Nuncupative Will, or for Administration of the Estate, by such Will given or bequeathed, shall be granted by any Court, 'til Fourteen Days, at the least, after the Decease of the Testator, shall be expired; nor shall any Nuncupative Will at any Time be admitted to be proved, unless Summons have first issued, to call in the Widow, or next of Kindred to the deceased, to the End that they may contest the same if they please. Nor any Probat, or Administration, granted thereon. The Widow, or next of Kin, shall be first summoned.

XII. *AND be it further Enacted, by the Authority aforesaid,* That no Will in Writing, concerning any Goods, Chattels, or personal Estate, shall be repealed, nor shall any Clause, Devise, or Bequest therein, be altered or changed, by any Words, or Will, by Word of Mouth only, except the same be in the Life of the Testator committed to Writing, and after the Writing thereof, read unto the Testator, and allowed by him, and proved to be so done by two or more Witnesses. Written Legacies of personal Estate not revocable, except in Writing.

XIII. *PROVIDED always,* That any Soldier being in actual Military-Service, or any Mariner, or Seaman being at Sea, may dispose of his Moveables, Wages, and personal Estate, as he or they might have done before the making of this Act. Soldiers, or Mariners, excepted.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That Administration of the Estate of every Person dying Intestate, and Administration with the Will annexed of the Estate of every Testator, whose Executor, or Executors, shall refuse to prove and execute his Will, shall be granted in Manner following: That is to say, First, to the Husband or Wife of the deceased, and if none such, or if they refuse, then Secondly, to the Child or Children, or their legal Representatives, and if none such appear or claim, then Thirdly, to the Father or Mother, or if none such, then Fourthly, to the Brothers and Sisters, and if none such, then to the next of Kindred to the deceased Person; and if no Will shall be exhibited, or Administration sued forth, before or at the next Court held after Expiration of Thirty Days from any Person's Death, the Court may grant Administration to any Creditor or Creditors of the deceased, suing for the same, or to any other Person the Court in their Discretion shall think fit. Rules in granting Administrations. Where Creditors may be admitted.

XV. *PROVIDED always,* That where it shall appear to the Court, either of their own Knowledge, or upon Application to them made by Creditors, or Legatees, that any Estates is likely to be wasted, or imbezzled, such Court may, Method to prevent Waste, or Imbezzlement.

and

A. D. 1748. and are hereby authoriſed and required, to proceed immediately to grant Certificate for obtaining Adminiſtration thereof.

Wills may be proved after Adminiſtration granted.

XVI. *PROVIDED alſo*, That if any Will ſhall be afterwards exhibited to be proved, or any of the deceaſed Perſon's Kindred, not having before refuſed, ſhall appear and pray Certificate for obtaining Probat or Adminiſtration, the ſame ſhall be granted in like Manner, as if no former Adminiſtration had been granted or obtained; nor ſhall any Thing herein before mentioned be conſtrued, to diſable any Court from ſummoning any Perſon, or Perſons whatſoever, having the Will of a Perſon deceaſed, in his, her, or their Cuſtody, or Poſſeſſion, to exhibit the ſame to the Court, in Order to a legal Probation thereof; but the Court may compel ſuch Perſon or Perſons, by Summons, or other lawful Proceſs, as they ſhall think fit, to produce ſuch Will, that the juſt and legal Proceedings may be had thereupon.

Court may compel any Perſon to produce the Will of a Perſon deceaſed.

Executors and Adminiſtrators ſhall be ſworn.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That before granting Certificate for Probat or Adminiſtration, to any Perſon or Perſons whatſoever, he, ſhe, or they, ſhall perſonally, in open Court, take one of the following Oaths, as the Caſe ſhall require, to wit,

The Oath of an Executor, or Adminiſtrator, with the Will annexed.

Executors Oath.

YOU ſhall ſwear, that this Writing contains the true laſt Will of the within named A. B. *deceaſed, as far as you know or believe, and that you will well and truly perform the ſame, by paying, Firſt, his Debts, and then the Legacies, contained in the ſaid Will, as far as his Goods, Chattels, and Credits, will thereunto extend, and the Law charge you, and that you will make a true and perfect Inventory of all the ſaid Goods, Chattels, and Credits.*

So help you God.

The Oath of an Adminiſtrator.

Adminiſtrators

YOU ſhall ſwear, that A. B. *deceaſed, died without any Will, as far as you know or believe, and that you will well and truly Adminiſter all and ſingular the Goods, Chattels, and Credits of the ſaid deceaſed, and pay his Debts, as far as his Goods, Chattels, and Credits will thereunto extend, and the Law require you, and that you will make a true and perfect Inventory of all the ſaid Goods, Chattels, and Credits, as alſo a juſt Account when thereunto required.*

So help you God.

And give Bond and Security.

And ſhall alſo give Bond, in a ſufficient Sum, proportionable to the full Value of the Eſtate, at the leaſt, and with ſuch ſufficient Security of Perſons reſiding in the ſame, or any other County, as by the Court ſhall be approved of, and with one of the Conditions following, to wit,

Condition of the Bond to be given by Executors, or Adminiſtrators, with the Will annexed.

Executors Bond.

THE Condition of this Obligation is, that if the above bound A. B. *Executor of the laſt Will and Teſtament of* C. D. *deceaſed, (or Adminiſtrator with the Will annexed, of all the Goods, Chattels, and Credits of* C. D. *deceaſed) do make, or cauſe to be made, a true and perfect Inventory of all and ſingular the Goods, Chattels, and Credits of the ſaid deceaſed, which have or ſhall come to the Hands, Poſſeſſion, or Knowledge of him the ſaid* A. B. *or into the Hands, or Poſſeſſion of any other Perſon, or Perſons for him, and the ſame, ſo made, do exhibit or cauſe to be exhibited into the County Court of* N. *at ſuch Time as he ſhall be thereto required by the ſaid Court, and the ſame Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits, of the ſaid deceaſed, at the Time of his Death, which at any Time after ſhall come to the Hands, or Poſſeſſion, of the ſaid* A. B. *or into the Hands,*

Hands, or Poſſeſſion, of any other Perſon, or Perſons for him, do well and truly Adminiſter, according to Law, and further, do make a juſt and true Account of his Actings and Doings therein, when thereto required by the ſaid Court, and alſo do well and truly pay and deliver all the Legacies, contained and ſpecified in the ſaid Teſtament, as far as the ſaid Goods, Chattels, and Credits will thereunto extend, according to the Value thereof, and as the Law ſhall charge him, then this Obligation to be void, otherwiſe to remain in full Force and Virtue. A. D. 1748.

Condition of an Adminiſtration Bond.

——THAT *if the above bound* A. B. *Adminiſtrator of all the Goods, Chattels, and Credits of* C. D. *deceaſed, do make,* &c.——[as before unto the Words——when thereto required by the ſaid Court,] *and all the reſt and Reſidue of the ſaid Goods, Chattels, and Credits, which ſhall be found remaining upon the ſaid Adminiſtrator's Account, the ſame being firſt examined and allowed by the Juſtices of the ſaid Court for the Time being, ſhall deliver and pay unto ſuch Perſon, or Perſons reſpectively, as the ſaid Juſtices by their Order or Judgment ſhall direct, purſuant to the Laws in that Caſe made and provided: And if it ſhall hereafter appear, that any laſt Will and Teſtament was made by the ſaid deceaſed, and the Executor or Executors therein named do exhibit the ſame in the ſaid Court, making Requeſt to have it allowed, and approved, accordingly, if the ſaid* A. B. *being thereto required, do render and deliver up his Letters of Adminiſtration, Approbation of ſuch Teſtament being firſt had and made in the ſaid Court, then this Obligation to be void,* &c. Adminiſtrators

Which Bond ſhall be payable to the Juſtices of the Court ſitting at the Time the ſame ſhall be entered into and taken, and their Succeſſors, and ſhall not become void upon the firſt Recovery, but may be put in Suit, and proſecuted, from Time to Time, by and at the Coſts and Charges in the Law of any Party or Parties injured, until the whole Sum of the Penalty expreſſed in ſuch Bond ſhall be recovered thereon. The whole Penalty recoverable thereon.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That if any Court ſhall grant Certificate for obtaining Adminiſtration of the Eſtate of any Perſon deceaſed, without taking good Security for the ſame, as by this Act required, the Juſtices granting ſuch Certificate, and every of them, ſhall be anſwerable for all Loſs and Damage accruing for Want of ſuch Security, recoverable by Action at the Common Law, by any Perſon or Perſons injured. Where no Security ſhall be taken, the Juſtices liable.

XIX. *PROVIDED neverthe leſs,* That if the Securities taken by the Court were good, at the Time of their being ſo accepted and taken, but afterwards become inſolvent, in ſuch Caſe the Juſtices ſhall not be anſwerable: And that where any Perſon ſhall be Security for any Decedant's Eſtate, or for the Eſtate of any Orphan, and ſhall conceive himſelf in Danger, by Reaſon thereof, and Petition the Court for Relief, it ſhall be lawful for the ſaid Court to ſummon the Party, with and for whom the Petitioner ſtands bound, and to make ſuch Order or Decree thereupon, as to them ſhall ſeem juſt and equitable, for Relief and indemnifying of ſuch Petitioner, by counter Security, or otherwiſe. But where good Securities afterwards become inſolvent the Juſtices diſcharged. How Securities may be indemnifyed.

XX. *PROVIDED alſo,* That where any Teſtator ſhall leave viſible Eſtate, more than ſufficient to pay all his Debts, and by his Will ſhall direct, that his Executor or Executors ſhall not be obliged to give Security, in ſuch Caſe, no Security ſhall be required of him her or them: But where the Court ſhall ſee Cauſe, either upon their own Knowledge, or the Suggeſtions of Creditors, or Legatees, to ſuſpect any Executor or Executors of Fraud, or that the Teſtators perſonal Eſtate will not be ſufficient to diſcharge all his Debts; in ſuch or the like Caſes, the Court may, if they think fit, require ſuch Executor or Executors to give Security, notwithſtanding their Teſtator's Directions to the contrary; and if he, ſhe or they, ſhall refuſe or fail to give Security, when ruled thereto by the In what Caſes Security not required. Executors Refuſal

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fal to give Security, or Refusal of the Executorship.

the Court, such Refusal or Failure shall amount to a Refusal of the Executorship; and Administration, with the Will annexed, shall be committed in the Manner by this Act before directed.

Executors may take their Testator's Estate 'til Probat or Administration granted.

XXI. *PROVIDED also*, That nothing herein before contained shall be construed to abridge or restrain the Power of Executors over their Testators Estates, until Probat of the Will, or Administration with the Will annexed, be obtained or granted; but they may possess themselves thereof, and 'til then execute their Trust, as fully and amply as if this Act had never been made.

Rules in Probats and Administrations.

XXII. *AND be it further Enacted by the Authority aforesaid*, That all Probats of Wills, Commissions of Administration, or of Administration with the Will annexed, issued upon Certificates granted according to this Act, and signed by the Governor, or Commander in Chief of this Dominion for the Time being, with the Public Seal of this Colony affixed thereto, or signed by such other Person or Persons, being one or more of the Magistrates in Commission of the Peace, as shall be thereto authorised by the said Governor, or Commander in Chief, and sealed with the Seal of the Court granting Certificate, which Seal every County Court is hereby impowered to provide, at the Charge of their County, shall be, and are hereby declared to be, good and effectual in Law, to impower and enable the Executors, and Administrators, therein named, and every of them, to possess themselves of the Estates of their Testators, or Intestates, by any lawful Ways or Means whatsoever.

XXIII. AND to the End the Value of Estates may be the better known and a just Account thereof kept,

Inventory to be returned.

XXIV. *BE it further Enacted, by the Authority aforesaid*, That all Executors and Administrators shall exhibit a true and perfect Inventory of all the Estate to him her or them committed, to the Court granting the Probat or Administration.

And the Estate appraised.

XXV. AND that every Court, granting Probat or Administration, shall then also appoint and nominate Three or more Appraisers, in every County where any of the Testator's or Intestate's Slaves, Goods, or Chattels shall be, who being sworn before any one Justice of their County, truly and justly to value the Estate to them produced, to the best of their Judgment, shall accordingly appraise the same, and return such Appraisement, under their Hands, to the Court ordering the same; and every Appraiser shall be paid Thirty Pounds of Tobacco, *per* Day, for his Trouble and Attendance, to be defrayed by the Estate, and allowed to the Executor or Administrator upon passing his Account; and such Appraisement may be given in Evidence, in any Action or Suit brought against the Executor or Administrator, to prove the Value of the Estate, but shall not be binding, either upon the Executor, Administrator, Creditor, or other Person whatsoever, where it shall appear, by any other legal Proof, that the Slaves, Goods, or Chattels were really worth, or *bonâ fide* sold for more, or less, than the Appraisement.

Appraisers Fee

How far Appraisements shall be binding.

Duty of Executors and Administrators, in selling perishable Goods: Specific Legacies excepted.

XXVI. *AND be it further Enacted, by the Authority aforesaid*, That all Executors and Administrators, as soon as conveniently the same may be done, after the Debts of their Testator or Intestate shall be fully satisfied and paid, shall sell and dispose of all such Goods and Chattels of their Testator or Intestate, specific Legacies excepted, as are or may be liable to perish, consume, or be the worse for using, or keeping, for the most that can be got for the same, in Money, by public Sale or Auction, and shall and may, for the enhancing the Price thereof, give Credit upon good Security, for what Time such Executor or Administrator shall think fit, having Regard to the Circumstances of the Estate, and the Time when the Legacies will become due, or Distribution of such Estate is to be made; and when such Goods and Chattels shall be so *bonâ fide* sold, the

Executor

Executor or Administrator shall be answerable for the Value of such Sale, and no more; and in Case any Executor or Administrator shall sell Goods of his Testator, or Intestate, to be paid for at a future Day, the Buyer shall enter into Bond to such Executor or Administrator, with one or more Sureties, or shall give some other sufficient Security, for Payment of the Money accordingly; and the Executor or Administrator, after the Time of such Payment is past, shall take and pursue all lawful Ways and Means to recover and receive the Money, upon Pain of being answerable for the same himself; and if the same shall not be received, before the Legatees or other Persons intituled to the Distribution thereof shall have Right to demand the same, it shall be lawful for the Executor or Administrator to assign such Bond, or other Security, to such Legatee or other Person as aforesaid, and such Assignment shall discharge such Executor or Administrator, for so much, against him or them.

XXVII. *PROVIDED nevertheless*, That if after such Assignment, the Obligor or Obligors in such Bond become insolvent, so as the Money for which such Bond or other Security was given be lost, such Loss shall be made good to the Assignee out of the Estate of such Testator or Intestate. Proviso.

XXVIII. *PROVIDED also*, That where any Testator shall direct, that his Estate shall not be appraised, or shall be preserved in Specie, and not sold, and shall leave personal Estate more than sufficient to pay all his Debts, nothing in this Act shall extend, or be construed to controul such last Will, but the same shall and may be pursued and fulfilled; and the returning an Inventory of the Estate of such Testator, without Appraisement, shall be sufficient. Where no Appraisement shall be necessary. And an Inventory sufficient.

XXIX. *PROVIDED also*, That no Executor or Administrator hath or shall have any Power, to sell or dispose of any Slave or Slaves of his Testator or Intestate, except for the paying and satisfying the just Debts of such Testator or Intestate, and then only, where there is not sufficient other personal Estate to satisfy and pay such Debts; and in that Case, it shall be lawful for the Executor or Administrator to sell, at public Auction, such or so many Slave or Slaves, as shall be sufficient to raise so much Money as the personal Estate falls short of the Payment of the Debts. Slaves shall not be sold, except where not enough other Goods to pay Debts.

XXX. *AND be it further Enacted, by the Authority aforesaid*, That where any Person shall die, between the First Day of *March*, and the Twenty Fifth Day of *December*, the Servants and Slaves which such Person was possessed of at the Time of his or her Death, shall be continued and employed upon the Plantation and Plantations, held and occupied by the deceased Person, until the Twenty Fifth Day of *December* then next following, for the making and finishing a Crop of Tobacco, Corn, or other Grain; which Crop, so made and finished, shall be Assets in the Hands of the Executors or Administrators, after the Charges of cloathing and feeding such Servants and Slaves, and the Expence of Tools and Utensils for them to work with, and also the Quit-Rents of the Land whereon they work, Levies and other incident Charges, shall be deducted. Rules concerning Servants, Slaves, and Crops.

XXXI. AND after the said Twenty Fifth Day of *December* all the Servants and Slaves of such deceased Person shall be delivered up, to the Party or Parties having legal Right to demand the same, and all such of the said Servants or Slaves, as shall then be of the Age of Ten Years or more, shall be delivered, well cloathed, at the Charge of such Decedent's Estate. Servants and Slaves to be delivered up, after *Dec.* 25. All above 10 Years, well cloathed.

XXXII. *PROVIDED always*, That no Executor or Administrator shall be answerable for any Servant or Slave, dying before the said Twenty Fifth Day of *December*, altho' such Servant or Slave be inventoried, or appraised. If dead before that Time Executor not answerable.

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Wills to remain in the Clerk's Office.

XXXIII. AND for the better Preſervation of Wills, *Be it further Enacted, by the Authority aforeſaid,* That all original Wills ſhall remain in the Clerk's Office, among the Records of the reſpective Counties where they ſhall be proved, whereto any Perſon may have Recourſe, as to other Records, except for the Time the ſame ſhall be removed by Direction of the General Court; and that to every Probat ſhall be annexed a true Copy of the Will whereupon ſuch Probat was granted.

Cattle ſhall be preſerved till the Heir comes of Age.

XXXIV. AND foraſmuch as the preſerving of neat Cattle, and their Increaſe, may be of great Advantage to Orphans, for the improving their Lands; *Be it further Enacted, by the Authority aforeſaid,* That where any Perſon dying Inteſtate, ſhall leave ſufficient to ſatisfy his Debts, beſides Slaves and neat Cattle, the Heir at Law being under Age, ſuch Cattle ſhall be kept upon the Lands and Plantation of ſuch Heir, until he ſhall come of Age, and he ſhall have the Benefit of their Increaſe, and bear all Loſs, if any ſhall happen.

But if too numerous Part may be ſold.

XXXV. *PROVIDED neverthel͏eſs,* That the Adminiſtrator of ſuch Eſtate, or Guardian of ſuch Orphan, in Caſe ſuch Stock grow too numerous, or if it will be to the Advantage of ſuch Orphan, ſhall, and may ſell ſuch Part of ſuch Stock, as he ſhall think fit; and alſo that ſuch Heir at Law ſhall ſatisfy and pay unto the other Children, or ſuch other Perſons as ſhall be intitled to a Diſtribution of ſuch Inteſtate's Eſtate, his, her, or their proportionable Part or Parts of the Value of ſuch Stocks of Cattle, as ſhall be left at the Time of the Death of ſuch Inteſtate.

And the Heir ſhall be anſwerable to the other Children.

XXXVI. *AND be it further Enacted, by the Authority aforeſaid,* That all and every the Executors and Adminiſtrators of any Perſon or Perſons, who, as Executor or Executors, in his or their own Wrong, and the Executor or Executors, Adminiſtrator or Adminiſtrators, of any Executor or Adminiſtrator of Right, who ſhall waſte, or convert to his own Uſe, Goods, Chattels, or Eſtate of his Teſtator or Inteſtate, ſhall be liable, and chargeable, in the ſame Manner, as his or their Teſtator or Inteſtate, ſhould or might have been.

Executors, &c in their own Wrong, anſwerable to Executors, &c of Right.

XXXVII. AND that Actions of Account ſhall and may be brought and maintained againſt the Executors or Adminiſtrators of every Guardian, Bailiff and Receiver, and alſo by one Joint-Tenant, or Tenant in Common, his Executors or Adminiſtrators, againſt the other, as Bailiff, for receiving more than comes to his juſt Share or Proportion, and againſt the Executor or Adminiſtrator of ſuch Joint-Tenant, or Tenant in Common.

Executors of Guardians, Joint-Tenants &c. accountable for receiving more than their Share.

XXXVIII. AND that all Executors and Adminiſtrators ſhall be allowed in their Accounts, all reaſonable Charges and Diſburſements, which they ſhall lay out and expend, for ſelling any Eſtate, and receiving the Money, upon ſuch Sale purſuant to this Act; and alſo, for collecting and receiving the outſtanding Debts of their Teſtator, or Inteſtate; and no other Allowance whatſoever.

Executors & Adminiſtrators Allowance.

XXXIX. *AND be it further Enacted, by the Authority aforeſaid,* That the Clerk of every County Court ſhall, in the Months of *April* and *October*, annually, return to the Secretary's Office, a Liſt of all Certificates for obtaining Probats or Adminiſtrations, granted by their reſpective Courts, from Time to Time, containing the Names of the Teſtators or Inteſtates, their Executors or Adminiſtrators, and the Names of the Securities; which Liſts, the Secretary of this Colony, is hereby required to cauſe to be recorded in his Office, alphabetically, in Books for that Purpoſe.

Liſts of Probats and Adminiſtrations, when, and how to be returned.

XL. *AND be it further Enacted, by the Authority aforeſaid,* That where any Teſtator or Inteſtate ſhall leave Eſtate, real or perſonal, of the Value of One Hundred Pounds Current Money, or more, it ſhall and may be lawful for the General Court of this Dominion, upon Motion to them made, to receive the Proof of ſuch Teſtator's

Where an Eſtate is of the Value of 100 l. or more, Probat, or

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Teſtator's Will, to them exhibited, and to hear and determine the Right of Adminiſtration of the Eſtate of ſuch Inteſtate, and thereupon to grant Certificate for obtaining Probat or Adminiſtration, or Adminiſtration with the Will annexed, as the Caſe ſhall require, in the ſame Manner, and with the ſame Rules and Limitations, as by this Act is before directed to be obſerved in the County Courts: And that all Probats, and Commiſſions of Adminiſtration, granted upon Certificates obtained in the General Court, ſhall be iſſued under the Seal of this Colony, and ſigned by the Governor, or Commander in Chief of this Dominion for the Time being, or by the Preſident of the Council for the Time being, or by ſuch Judge or Judges of the ſaid Court, as ſhall be for that Purpoſe authoriſed, by Commiſſion of the ſaid Governor, or Commander in Chief, which ſhall be good and effectual in Law, to enable the Executors, or Adminiſtrators therein named, to recover and take the Eſtate of their Teſtator or Inteſtate, ſo to them committed. Adminiſtration may be granted by the General Court.

XLI. AND that the Forms of all Oaths and Bonds, by this Act required of Executors and Adminiſtrators, ſhall be the ſame in the General Court, as in the County Courts. Oaths and Bonds as before.

XLII. *PROVIDED always*, That where the General Court ſhall grant Certificate for obtaining the Adminiſtration of any Eſtate, and ſhall fail to take ſufficient Security for the ſame, in ſuch Caſe the Members of the ſaid Court, granting ſuch Certificate, and every of them, ſhall be liable to pay all Loſs and Damages accruing by ſuch Failure, in the ſame Manner as the Juſtices of the County Court in the like Caſe ſhould have been. And Security.

XLIII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes, heretofore made, for or concerning any Matter or Thing, within the Purview of this Act, ſhall be, and are hereby repealed. Repealing Clauſe.

XLIV. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall commence and be in Force, from and immediately after the Tenth Day of *June*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. VI.

An Act for eſtabliſhing the General Court, and for regulating and ſettling the Proceedings therein.

I. FOR the regular Determination of Suits and Controverſies, and for erecting, conſtituting, and continuing ſuch Courts, as ſhall be competent and neceſſary, to hear and determine all ſuch Cauſes, as ſhall be brought before them, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That at ſome one certain Place, lawfully appointed, and at the Time and Times herein after directed, there ſhall be held one principal Court of Judicature for this Colony and Dominion, which Court ſhall be, and is hereby eſtabliſhed by the Name of the General Court of *Virginia*, and ſhall conſiſt of his Majeſty's Governor or Commander in Chief, and Council, for the Time being, any Five of them to be a Court; and they are hereby appointed and declared Judges or Juſtices, to hear and determine all Suits and Controverſies which ſhall be depending in the ſaid Court. The General Court of *Virginia*. Who ſhall be Judges thereof Five of them to be a Court.

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The Judges to be sworn.

II. *AND be it further Enacted, by the Authority aforesaid,* That every Person who shall, from Time to Time, or at any Time hereafter, accept the Office of a Judge or Justice of the said Court, before his entering upon, and executing the same, shall take the Oaths appointed to be taken by Act of Parliament, and repeat and subscribe the Test, and shall also take the following Oaths, *to wit,*

The Oath of a Judge of the General Court,

Their Oath, as Judges of Common Law

YOU shall swear, That you will well and truly serve our Sovereign Lord the King, and his People, in the Office of a Judge or Justice of the General Court of Virginia, *and you shall not counsel, or assent, to any Thing which may turn to the Hurt or Disheriting of the King, by any Way or Colour, and you shall do equal Law and Execution of Right to all the King's Subjects, rich and poor, without having Regard to any Person: You shall not take by yourself, or by any other Person, any Gift or Reward, of Gold, Silver, or any other Thing, for any Matter by you done, or to be done, by Virtue of your Office: You shall not take any Fees, or other Gratuity, of any Person, great or small, except such Salary as shall be by Law appointed, or such Salary as his Majesty, his Heirs or Successors, shall think fit to allow you for your Service: You shall not maintain, by yourself or any other, privily or openly, any Plea or Quarrel, hanging in any of the King's Courts: You shall not delay any Person of common Right, for the Letters of the King, his Governors of this Colony, or of any other Person, nor for any other Cause; and in Case any Letter come to you, contrary to the Law, you shall nothing do for such Letter, but you shall proceed to do the Law, the said Letters notwithstanding; and finally, in all Things belonging to your said Office, during your Continuance therein, you shall faithfully, justly and truly, according to the best of your Skill and Judgment, do equal and impartial Justice without Fraud.*

So help you God.

The Oath of a Judge of the General Court in Chancery.

As Judges in Chancery.

YOU shall swear, That well and truly you will serve our Sovereign Lord the King, and his People, in the Office of a Judge or Justice of the General Court of Virginia *in Chancery, and that you will do equal Right to all Manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of* Virginia, *without Favour, Affection, or Partiality.*

So help you God.

Penalty for executing this Office, before sworn in.

III. AND if any Person whatsoever shall presume to sit or execute the said Office, without first qualifying himself as by this Act required, he shall for every such Offence be fined Five Hundred Pounds current Money, one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof, and the other Moiety to the Informer.

Jurisdiction of this Court.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the said General Court shall take Cognisance of, and are hereby declared to have Power and Jurisdiction to hear and determine, all Causes, Matters, and Things whatsoever, relating to or concerning any Person or Persons, Ecclesiastical or Civil, or to any Persons or Things of what Nature soever the same shall be, whether brought before them by original Process, Appeal from any inferior Court, or by any other Ways or Means whatsoever.

No original Process nor Suit on penal Laws, for less than 20 *l.* Current Money, or 4000 *l.* Tobacco.

V. *PROVIDED always,* That no Person shall take original Process for the Trial of any Thing in the General Court, of less Value than Twenty Pounds current Money, or Four Thousand Pounds of Tobacco, under Penalty of the Plaintiff's being Non-suit, and paying Costs; neither shall any Person be prosecuted in the said Court for Breach of any Penal Law, where the Penalty shall be less

less than Twenty Pounds current Money, or Four Thousand Pounds of Tobacco. *A. D.* 1748

VI. *PROVIDED also*, That any Action may be commenced and maintained in the General Court, by or against the Justices of any County Court, or other inferior Court, or the Vestry of any Parish, altho' the Sum sued for shall not exceed Twenty Pounds.

Except against County Courts or Vestries.

VII. *AND be it further Enacted, by the Authority aforesaid*, That the said General Court shall be held two Times every Year, to wit, one of the said Courts shall begin upon the Tenth Day of *April*, if not *Sunday*, and then on the *Monday* thereafter, and shall continue to be held Twenty Four natural Days, *Sundays* exclusive; and the other Court shall begin upon the Tenth Day of *October*, if not *Sunday*, and then on the *Monday* thereafter, and shall also be held and continue Twenty Four natural Days, *Sundays* exclusive.

General Court to be held twice a Year.

VIII. AND that the first Five Days of every General Court be appointed for hearing and determining Suits in Chancery, Appeals from Decrees of the County Courts, or other inferior Courts, in Chancery, and Writs of Supersedeas to such Decrees; and that the other Days be appointed for trying Suits or Prosecutions on Behalf of his Majesty, and all other Matters depending in the said Court.

Rules of Court for docketing Causes.

IX. AND that before every General Court, the Clerk shall enter in a particular Docket for that Purpose, all such Causes, and those only, in which any Issue is to be tried, Writ of Enquiry to be executed, special Verdict, Case agreed, or Demurrer to be argued, and all Causes set down for Hearing, or Argument in Chancery, in the same Order as they stand in Course of Proceedings; setting as near as may be, an equal Number of such Causes to each Day.

X. *PROVIDED always*, That if the Business of the said Court shall be ended in less Time than the Days herein before appointed, for the Judges or Justices to sit, it shall be lawful for them to adjourn to the next succeeding General Court.

Court may adjourn.

XI. AND for the more regular Prosecution and Determination of Suits or other Processes in the said Court, *Be it further Enacted, by the Authority aforesaid*, That all original Process, either by Writ, Summons, or any other Manner or Means, and all subsequent Process thereupon, to bring any Person or Persons whatsoever, to answer in any Action, real, personal, or mixed, Suit, Information, Bill, or Plaint, in the General Court, and all Attachments awarded by the said Court, at the Common Law, and all Subpœnas and other Process in Chancery, shall be sued out and issued from the Secretary's Office, returnable on the respective Days herein after directed, and shall bear Teste by the Governor, or Commander in Chief for the Time being, and be signed by the Clerk of the said Court, and may be executed at any Time before the Day of the Return thereof; and all such Writs and Process shall be returnable to the next succeeding General Court, on the several Days following, *to wit*, All Writs and other Process at the common Law, shall be returnable to the eighth or Twenty third Day of the next General Court, Subpœnas and all other Process in Chancery, to the First or Twenty Third Day, Process at the Suit of His Majesty, on Criminal Prosecutions to the Sixth Day, Process on Petitions for lapsed Land to the Seventh Day, and on no other Days or Times whatsoever; and all such Writs or Process which shall be made returnable on any other Days or Times, shall be null and void; and if any Writ or Process shall be executed so late, that the Sheriff hath not reasonable Time to return the same, before the Day of Appearance, herein after limited, and thereupon an *Alias* or *Pluries Capias*, Attachment, or other Process, shall be awarded, the Sheriff shall not execute such subsequent Process, but shall return the first Process by him executed, and thereupon the Plaintiff shall declare, and use

Rules of issuing and Returns of Process.

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Appeals. XII. AND that all Appeals from Decrees in Chancery, obtained in any County Court, or other inferior Court, shall be made to the third Day of the next General Court, and all Appeals from Judgments of any of the said Courts, in Suits at Common Law, shall be to the respective Days following, to wit, from the County Courts of *Henrico*, *Prince George*, *Surrey*, *Isle of Wight*, *Nansemond*, *Norfolk*, *Princess Ann*, *Albemarle*, *Amelia*, *Brunswick*, *Goochland*, *Cumberland*, and *Lunenburg*, to the Eighth Day; *James City*, *Charles City*, *New-Kent*, *Warwick*, *Elizabeth City*, *York*, *Hanover*, and *Louisa*, to the Ninth Day; *Gloucester*, *King William*, *King and Queen*, *Middlesex*, *Essex*, *Caroline*, *Augusta*, *Spotsylvania*, and *Orange*, to the Tenth Day; *Richmond*, *Westmoreland*, *Northumberland*, *Stafford*, *Lancaster*, *Fairfax*, *Frederick*, *King George*, *Culpepper*, and *Prince William*, to the Eleventh Day; *Accomack*, and *Northampton*, to the Twelfth Day of the next succeeding General Court; and no Appeal shall be admitted on any other Day: Appeals from such Judgments of any Corporation Court, shall be to the same Day as Appeals from the County wherein such Corporation is; and that all Writs of Error, *Supersedeas*, and *Certiorari*, shall be returnable to the same Days respectively, as Appeals from Judgments at the Court of that County to which such Writ or Writs shall be directed. And the Clerk of the Court is hereby required to regulate the Docket accordingly, proportioning the Suits and Causes to such of the said Days as will be most convenient.

Writs of Error, *Supersedeas*, *Certiorari*.

Process against a Councillor. XIII. *AND be it further Enacted, by the Authority aforesaid,* That if any Action, or other Process, shall be commenced and prosecuted against any Person, being a Member of His Majesty's Council of State, within this Dominion, then instead of other Process, which might be legally taken in like Case against any other Person, the Clerk of the General Court shall issue a Summons, directed to the Sheriff of the County where such Councillor usually resides, reciting the Matter or Cause charged against him, and summoning him to appear and answer the same, upon such a certain Day of the next General Court, as shall be therein mentioned; and if such Councillor shall not appear at the Day, according to such Summons, it shall be lawful for the Court to award an Attachment against the Estate of such Councillor, so failing to appear, and thereafter the Proceedings in such Cases, shall be in the same Manner as upon the Sheriff's returning, *Non est inventus*, upon any ordinary Process; and in like Manner Process against the Sheriff of any County, shall be issued and directed to any Coroner of the County where such Sheriff resides, and thereupon the like Proceedings shall be had against him, as are herein before directed concerning a Councillor: And if any Councillor, or Sheriff, shall fail to answer Process in Chancery, one or more Distringas shall thereupon issue, to compel such Defendant to answer.

Or a Sheriff.

Appearance in personal Actions, where no Bail is required. XIV. *AND be it further Enacted, by the Authority aforesaid,* That when any Writ shall issue whereby the Sheriff is commanded to take the Body of any Person or Persons, to answer unto any Plaintiff or Plaintiffs, in the General Court, in any personal Action, and no Debt or Damages shall be mentioned in such Writ, or if Bail shall not be by Law requirable; in every or any such Case, the Sheriff to whom such Writ shall be directed, may take the Engagement of any Attorney, practising in the General Court, under his Hand, endorsed upon such Writ, that he will appear, or cause an Appearance to be entered for the Defendant, or Defendants, within named, according to the Return of the said Writ: And such Appearance shall be accordingly entered with the Clerk of the Court, in the Secretary's Office, on the Second Day after the End of the General Court, to which such Process shall be returnable: Which said Second Day after the End of every General Court, shall be accounted, deemed, and taken, and is hereby declared to be the Day of Appearance, to all Process at the Common Law, or in Chancery, returnable to any Day of the Court next preceding; and if any

Attorney,

Attorney, or other Person practising as an Attorney, so engaging to enter, or cause an Appearance to be entered shall fail so to do, he shall forfeit and pay to the Plaintiff or Plaintiffs, Fifty Shillings Current Money, for which Judgment shall be immediately entered, and the Plaintiff may take Execution thereupon, by *Capias ad Satisfaciendum*, or *Fieri Facias*.

Attorney engaging to appear, & failing forfeits 50s.

XV. *AND be it further Enacted, by the Authority aforesaid*, That upon executing any Process, whereupon Bail shall be requirable, the Sheriff shall return therewith the Names of the Bail by him taken, and a Copy of the Bail Bond, to the Secretary's Office, before the Day of Appearance; and if the Defendant shall fail to appear accordingly, or shall not give special Bail, being ruled thereto by the Court, the Bail so returned shall be subject to the same Judgment, and Recovery, and have the same Liberty of Defence, as the Defendant might have, or be subject to, if he had appeared, and given special Bail; and if the Sheriff shall not return Bail, and a Copy of the Bail-Bond, or the Bail so returned shall be judged insufficient by the Court, or the Defendant shall fail to give special Bail, being ruled thereto by the Court, then Judgment shall be given against the Sheriff, in the same Manner, and with the same Condition, as against the Bail: And if the Sheriff depart this Life, before Judgment be confirmed against him, in such Case it shall be lawful to confirm such Judgment against the Executors, or Administrators, of such Sheriff; and if there shall not be any Probat or Administration granted, then it shall be lawful to confirm the Judgment against the Estate of such deceased Sheriff, and a Writ of *Fieri Facias* shall and may issue, to seise and levy so much of his Goods and Chattels, as will satisfy the Judgment, and every Part thereof.

Where Bail shall be requirable.

In what Case the Bail, or Sheriff shall be liable.

XVI. *PROVIDED always*, That the Plaintiff shall object to the Sufficiency of the Bail, during the Sitting of the General Court, to which the Writ is returnable, and at no Time after; and no Judgment shall be entered against the Sheriff, where Bail is returned, unless such Bail shall be adjudged insufficient by the Judges of the General Court, at the Time aforesaid; and where the Bail shall be adjudged insufficient, and Judgment shall be given against the Defendant and Sheriff, the Sheriff shall have the same Remedy against the Estate of such Bail, as he may have against the Defendant's Estate.

Sheriff's Remedy where the Bail is judged insufficient.

XVII. *PROVIDED also*, That every interlocutory or final Judgment, against any Defendant and the Sheriff, or against any Defendant and the Bail, returned by the Sheriff, entered or obtained before any General Court, next ensuing the Return of the Writ upon which such Defendant was arested, shall be set aside, if the Defendant upon the Eighth Day of the Court next ensuing the Return, as aforesaid, shall be allowed to appear without Bail, or shall put in good Bail, and plead to issue immediately.

Where Judgment against Defendant & Sheriff, or Bail, may be set aside.

XVIII. *AND be it further Enacted, by the Authority aforesaid*, That in every Case, where Judgment shall be confirmed against any Defendant or Defendants, and the Bail, or against any Defendant or Defendants, and the Sheriff, or against his Executors or Administrators, or against his Estate, as aforesaid, it shall and may be lawful for the Court, where such Judgment shall be confirmed, upon Motion of such Bail or Sheriff, or his Executors or Administrators, or of any other Person on his or their Behalf, to order an Attachment against the Estate of such Defendant or Defendants, or so much thereof as shall be sufficient to satisfy such Judgment and Costs, and all other Costs and Charges concerning the same; which Attachment shall be returnable to the next succeeding Court, and thereupon such Estate shall by the Court be condemned, for Satisfaction of the Judgment, Costs, and Charges aforesaid, and shall be sold as Goods taken in Execution, by *Fieri Facias*; and out of the Money arising by such Sale, so much as shall be sufficient shall be paid to the Bail, or Sheriff, or his Executors or Administrators, to his and their own proper Use, and the Remainder, if any after Charges deducted, to the Person from whom the same was attached, or his, her, or their Attorney, or Agent, when required.

Remedy for Sheriff, or Bail, where Judgment is confirm'd against them.

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Any Judge of the General Court may take Recognizance of Bail, when the Court is not ſitting.

But may be excepted to.

XIX. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful to and for any Judge or Juſtice of the General Court, and every ſuch Judge or Juſtice is hereby authoriſed and impowered, when the ſaid Court is not ſitting, to take a Recognizance of Bail in any Action in the ſaid Court depending, which ſhall be taken *de bene eſſe*; and if the Plaintiff or his Attorney ſhall except to the Sufficiency of the Bail ſo taken, Notice of ſuch Exception ſhall be given to the Defendant, or his Attorney, at leaſt Ten Days before the next ſucceeding General Court, and if the Bail ſo taken ſhall be judged inſufficient by the Court, the Recognizance thereof ſhall be diſcharged, and ſuch Proceedings ſhall or may be had againſt the Defendant or Defendants, as if no ſuch Bail had been taken; but if ſuch Bail ſhall be judged ſufficient, or ſhall not be excepted to within the Time aforeſaid, then the ſame ſhall ſtand and be chargeable to all Intents and Purpoſes, as if the Recognizance had been taken in Court: And every Perſon becoming ſpecial Bail for any Defendant, or Defendants, ſhall be liable to the Judgment given againſt him, her, or them, unleſs he render the Defendant's Body in Execution, in Diſcharge of his Bail.

Where the ſpecial Bail ſhall be liable.

No ſpecial Bail in Suits upon penal Laws, except expreſſly by the Law required.

XX. *PROVIDED always,* That no ſpecial Bail ſhall be requirable in any Suit brought upon a penal Law, unleſs by ſuch Law Bail ſhall be expreſſly directed.

Rules in Returns of Writs, & Appearance in Cuſtody.

XXI. *AND be it further Enacted, by the Authority aforeſaid,* That when any Sheriff ſhall return, that he hath taken the Body of any Defendant, and committed him to Priſon, for Want of Bail, the Plaintiff may proceed, and the Defendant ſhall have Liberty to make Defence, as where an Appearance ſhall be entered and accepted; nevertheleſs ſuch Defendant ſhall not be diſcharged out of Cuſtody, unleſs the Plaintiff be ruled to accept an Appearance, at the next ſucceeding General Court, or by putting in good Bail. And that where any Defendant, after Appearance entered, ſhall be in Cuſtody of the Public Priſon for Debtors, the Plaintiff may file his Declaration, and give a Rule to plead, but ſhall deliver a Copy of ſuch Declaration and Rule to the Defendant, or his Attorney, one Month at leaſt before Expiration of the Rule; and if thereupon, and Oath of the Delivery of ſuch Copy, made before one of the Judges of the General Court, ſuch Defendant ſhall fail to enter his Plea, before the Rule be out, the Plaintiff may have Judgment, in the ſame Manner as is herein after directed upon failing to plead in any civil Action.

Where the Defendant is not found.

XXII. AND for the better aſcertaining what Proceſs ſhall or may be ſued out, where the Sheriff returns, that the Defendant is not to be found in his Bailiwick, *It is hereby further Enacted*, that where any Sheriff ſhall make ſuch Return, the Plaintiff or Plaintiffs, in any civil Action, ſhall and may ſue out an Attachment againſt the Eſtate of ſuch Defendant, returnable as herein is before directed for the Returns of original and other ſubſequent Proceſs thereupon, to force an Appearance, or an *Alias*, or *Pluries Capias*, if the Defendant cannot be arreſted upon the *Alias Capias*, or a *Teſtatum Capias* where the Defendant ſhall be removed into another County, 'til ſuch Defendant ſhall be arreſted, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff ſhall return any Goods by him attached, the Plaintiff ſhall file his Declaration, and be intituled to a Judgment for his whole Debt, and the Goods ſo attached ſhall remain in Cuſtody of the Sheriff, 'til ſuch Judgment obtained, and then be ſold and diſpoſed of, in the ſame Manner as Goods taken in Execution upon a Writ of *Fieri Facias*; and if the Judgment ſhall not be ſatisfied by the Goods attached, the Plaintiff may have an Execution for the Reſidue: *Provided always*, that all Goods ſo attached ſhall and may be replevied by Appearance and putting in good Bail, if the Defendant ſhall be ruled by the Court to give ſpecial Bail. And that where the Plaintiff will proceed to the Outlawry of any Defendant, in any civil Action, he may upon the *Pluries Capias*, or *Capias ad Satisfaciendum*, returned *Non eſt inventus*, ſue out, and the Clerk of the General Court is hereby impowered and required, upon Requeſt, to iſſue, an Exigent and Proclamation, returnable upon

Outlawry, in civil Actions.

either

either of the return Days aforeſaid, to the End that ſuch Defendant may be outlawed thereupon. *A. D. 1748.*

XXIII. AND for the more ſpeedy Determination of all Cauſes depending in the ſaid Court, *Be it further Enacted, by the Authority aforeſaid*, That theſe following Rules and Methods ſhall be obſerved, to wit; that in all perſonal Actions the Plaintiff ſhall file his Declaration within one Month after the Defendant ſhall have entered his Appearance, with the Clerk in the Secretary's Office, and if the Plaintiff ſhall fail or neglect ſo to do, or if any Plaintiff or Demandant fails to appear, and proſecute his Suit, he ſhall be Non-ſuit. Rules in perſonal Actions, at the Common Law.

THAT where any Non-ſuit ſhall be awarded, there ſhall be paid for the ſame, to every Defendant or Tenant, One Hundred and Fifty Pounds of Tobacco, and Coſts, where the Defendant's or Tenant's Place of Abode is at the Diſtance of Twenty Miles, or leſs, from the Place of holding the General Court; and where it is more, Five Founds of Tobacco for every Mile above Twenty. Non-ſuit.

WHEN the Defendant has entered his Appearance, and the Plaintiff files his Declaration, he may give a Rule to plead with the Clerk of the Court in the Secretary's Office, which ſhall be out in one Calender Month after ſuch Rule given. Pleadings.

THAT all Rules to plead, reply, rejoin, or for further or other Proceedings, ſhall be given regularly, from Month to Month, after the firſt Rule for Pleading is expired, and ſhall not be out in leſs Time than one Calender Month, nor ſhall any Rule be given between Month and Month to the Intent that all Attornies and others, by inſpecting the Rule Book to be kept by the Clerk of the Court, may be more certainly and readily informed what Proceedings have been, or are to be, in the ſeveral Cauſes there depending.

THAT upon the Expiration of any Rule, Judgment by Default, or a Non-ſuit, ſhall be ſigned by the Clerk in the Office, as of the preceeding Court, which Judgment ſhall be final in Actions of Debt, where the Debt is certain, and in other Actions a Writ of Inquiry ſhall be executed, the next Court after Judgment ſigned in the Office, the Plaintiffs Attorney giving the Defendant or his Attorney Six Days Notice of the Execution thereof, if the Defendant lives within Twenty Miles of the Place where the General Court ſhall be held, and if more than that Diſtance, Twelve Days Notice. Judgment by Default, or Non-ſuit. Writ of Inquiry.

THAT no Iſſue ſhall be tried the next ſucceeding General Court after it is joined, unleſs Ten Days Notice be given by the Plaintiffs Attorney to the Defendant, or his Attorney, before the Day of Trial, if the Defendant lives within Twenty Miles as aforeſaid, but if he lives at greater Diſtance, then Twenty Days Notice ſhall be given. Trial.

IF an Iſſue be not tried, or Writ of Inquiry executed the next Court after it is joined, or Judgment by Default, or interlocutory Judgment entered, no Notice of Trial, or executing ſuch Writ, need to be given; but ſuch Cauſes ſhall be called in the ſame Order as they ſtand on the Docket.

THAT when any final Judgment ſhall be obtained out of Court, the Clerk ſhall allow a Lawyers Fee in the Bill of Coſts, if the Plaintiff employed one; which Fee is hereby declared in all Caſes in the General Court, to be Fifty Shillings Current Money, or Five Hundred Pounds of Tobacco, at the Election of the Party adjudged to pay the ſame, but no ſuch Fees ſhall be taxed againſt Executors or Adminiſtrators. Final Judgment & Lawyer's Fee.

THAT where a ſpecial Verdict ſhall be found, or Caſe agreed, Time ſhall be allowed, upon the Motion of either Party, to the next General Court to argue, it, and if any Cauſes ſhall at the End of the Court remain undetermined, they ſhall Special Verdict, or Caſe agreed.

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shall be continued of Course by the Clerk to the next succeding Court, without calling the same in Court.

Pleas in Abatement.

THAT where a Plea in Abatement shall be pleaded, in any Action, and upon Argument the same shall be judged insufficient, the Plaintiff or Plaintiffs, in such Action, shall recover against the Defendant or Defendants, full Costs to the Time of over-ruling such Plea, including the Costs of that Court in which such Plea shall be over-ruled, (a Lawyer's Fee only excepted;) and that no Plea in Abatement, or of *Non est Factum*, shall be admitted or received, unless the Party offering the same, shall, by Affidavit, prove the Truth thereof; and that the Plaintiff in Replevin, or the Defendant in any other Action, may plead as many several Matters as he shall think necessary for his Defence, so as they be not admitted to plead and demur to the whole.

Fines on County Courts or Vestries.

THAT in all Cases where a Fine is laid on the the Justices of any County Court, or the Vestry of any Parish, one Action may be brought against them all jointly.

Records of Causes.

THAT for the more entire and better Preservation of the Records of the Court, when any Cause shall be finally determined, the Clerk shall enter all the Pleadings therein, and other Matters relating thereto, together in a Book to be kept for that Purpose, so that an entire and perfect Record may be made thereof; and where the Title of any Estate, in Land is determined, the Pleadings shall be all in Writing, and shall be entered at large, with the Judgment thereupon, in particular Books for that Purpose.

THAT for Prevention of Errors in entering up the Judgments of the Court, the Proceedings of every Day shall be drawn at large, by the Clerk, against the next Sitting of the Court, when the same shall be read in open Court, and such Corrections as are necessary made therein, and then the same shall be signed by the Secretary of this Dominion, for the Time being, or his Deputy, and carefully preserved among the Records.

Rules for Witnesses.

THAT in all Cases where Witnesses are to appear before the General Court, a Summons shall be issued by the Clerk, expresly mentioning the Day and Place, when and where the Witness shall appear, the Names of the Parties to the Suit, wherein they are to give Evidence, and on whose Behalf they are summoned.

Examinations of such as cannot attend the Court.

THAT where any Witness shall be departing this Colony, or by Age, Sickness, or other legal Disability, is rendered incapable of attending the Court, the Party requiring such Witness's Testimony, may obtain Certificate of such Departure or Disability, under the Hand of one or more Justice or Justices of Peace, of the County where such Witness lives, which being produced to any two of the Judges of the General Court, they may, at any Time, upon Request of either Party, order such Witness's Deposition to be taken, at such Time and Place, and before such Persons, as they shall think proper; or where the Court shall be satisfied of the Disability of any Witness to attend, they may grant such Order if they think fit, and thereupon Commissions to examine such Witnesses, shall be issued by the Clerk; but the Party obtaining the same, shall give reasonable Notice, of the Time and Place of executing such Commission, to the other Party, otherwise the Depositions taken shall be void.

Refusal to give Evidence.

THAT if any Person whatsoever, summoned as a Witness, upon his or her Appearance before the Court, or Persons commissionated as aforesaid, to examine and take his or her Deposition, shall refuse to give Evidence, upon Oath, or being one of the People called Quakers, solemnly to affirm and declare, to the best of his or her Knowledge, every Person so refusing, shall be committed to the common Goal, there to remain without Bail or Mainprize, until he or she shall give such Evidence.

THAT

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Recuſant Convict diſabled to be a Witneſs.

THAT Popiſh Recuſants Convict ſhall be incapable to be Witneſſes, in any Cauſe whatſoever.

Perſons ſummon'd failing to attend.

THAT if any Perſon ſummoned to attend the General Court, as a Witneſs, ſhall fail to attend accordingly, he or ſhe ſo failing, ſhall be fined by the ſaid Court, One Thouſand Pounds of Tobacco, to be paid to the Party for whom ſuch Witneſs was ſummoned, and ſhall be further liable to the Action of ſuch Party, at the Common Law, for his or her Damages: But if at the Time ſuch Witneſs ought to have appeared, or at the next ſucceeding Court, ſufficient Cauſe of his or her Inability to attend be ſhewn to the Court, then no Fine or Forfeiture ſhall be incurred by ſuch Failure.

Witneſs's Privilege.

THAT during the Attendance of any Witneſs at the General Court, and coming to, and returning from thence, allowing one natural Day for every Twenty Miles ſuch Witneſſes Place of Abode ſhall be diſtant from the ſame, no Perſon or Perſons whatſoever ſhall ſerve or execute, or cauſe to be ſerved or executed upon any Witneſs, coming to, attending, or returning from the ſaid Court, any Writ or Proceſs whatſoever; and if any ſuch be ſerved, or executed, the ſame ſhall be void, to all Intents and Purpoſes.

Their Allowance.

THAT every Witneſs attending upon Summons ſhall be paid by the Party at whoſe Suit the Summons iſſued, One Pound of Tobacco and a Half, *per* Mile, for coming to the Place where he or ſhe was ſummoned to appear, and the ſame for returning, beſides Ferriages, and Sixty Pounds of Tobacco, *per* Day, for Attendance until he or ſhe ſhall be diſcharged.

THAT all Witneſſes attending the General Court, ſhall claim their Allowance by the Clerk in the Office, and not in Court, unleſs refuſed by the Clerk and then the Witneſs may apply to the Court for Allowance thereof.

THAT in any Bill of Coſts there ſhall not be allowed the Charge of more than Three Witneſſes to the Proof of any one particular Matter of Fact.

XXIV. AND to the Intent that erroneous Proceedings and Judgments of the inferior Courts of Record of this Dominion may be corrected, and amended, *Be it further Enacted, by the Authority aforeſaid,* That where any Perſon or Perſons, Bodies politic or corporate, ſhall at any Time be aggrieved by the Judgment, Decree, or Sentence, of any other Court of Record of this Colony, in any Action or Suit whatſoever, where the Debt or Damage, or other Matter recovered in ſuch Action or Suit, excluſive of the Coſts, ſhall exceed Ten Pounds Current Money, or Two Thouſand Pounds of Tobacco, or the Value thereof, or where the Title or Bounds of Lands ſhall be drawn in Queſtion, it ſhall be lawful for ſuch Party or Parties to enter an Appeal from ſuch Judgment, Decree, or Sentence, to the General Court, and to aſſign Error in Manner following, and not otherwiſe: That is to ſay, Upon an Appeal in any perſonal Action, or Suit, where the Judgment or Decree ſhall not exceed Twenty Pounds Current Money, or Four Thouſand Pounds of Tobacco, the Appellant ſhall aſſign Error in Matter of Right only, and if upon a Hearing in the General Court, ſuch Judgment, or Decree, ſhall appear to be according to the Right of the Cauſe, the ſame ſhall be affirmed, notwithſtanding any Miſ-pleading, or Error in Matter of Form.

Rules in Appeals.

AND where the Judgment or Decree, ſhall be for more than the Sums laſt mentioned, and not exceed Fifty Pounds Current Money, or Ten Thouſand Pounds of Tobacco, the Appellant may aſſign Error in Matter of Right, and ſuch Errors in the Form or Manner of the Proceedings, as were inſiſted upon in the Court from whence ſuch Appeal ſhall be made; and if ſuch Errors ſhall not appear ſufficient to reverſe the Judgment or Decree, the ſame ſhall be affirmed.

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AND in all perſonal Actions, Suits in Chancery, Informations, or other Controverſies of greater Value than Fifty Pounds Current Money, or Ten Thouſand Pounds of Tobacco, and in all real Actions, of what Value ſo ever, the Appellant may aſſign any Errors of Form or Subſtance.

Statutes of Jeofails, declared in Force.

AND that for Prevention of Delay by arreſting Judgments, and vexatious Appeals, the ſeveral Acts of Parliament, commonly called the Statutes of Jeofails, now in Force and uſe in *England*, ſhall be and are hereby declared to be, for ſo much thereof as relates to any Miſ-pleading, Jeofail, and Amendment, in full Force in this Dominion alſo.

Damages upon Appeals.

That where the Defendant in any perſonal or mixed Action, or Suit, ſhall appeal, and upon Trial the Judgment or Decree is affirmed, the Damages ſhall be Fifteen *per* Cent upon the principal Sum, and Coſts, recovered in the County or inferior Court.

AND in any real Action the Damage ſhall be Two Thouſand Pounds of Tobacco, over and above all Coſts, Charges, and Damages, awarded by the inferior Court.

AND where the Plaintiff or Demandant appeals, and the Judgment or Decree ſhall be affirmed, ſuch Appellant ſhall pay to the Appellee, Fifty Shillings, or Five Hundred Pounds of Tobacco, beſides all Coſts accruing on ſuch Appeal.

No Appeal, Writ of Error, or *Superſedeas*, to be granted in any Caſe, under 10 *l.* Current Money, or 2000 *l.* Tobacco, excluſive of Coſts. Except where the Title or Bounds of Land is Queſtioned. Nor before a final Judgment or Decree.

AND that no Appeal ſhall be valid, nor any Writ of Error, or *Superſedeas*, granted or allowed, for reverſing any Judgment or Decree of any County Court, or other inferior Court, in any Action or Suit whatſoever, where the Debt, Damage, or other Matter recovered, ſhall be of leſs Value than the aforeſaid Sum of Ten Pounds Current Money, or Two Thouſand Pounds of Tobacco, excluſive of Coſts, unleſs in ſuch Suit the Title or Bounds of Lands ſhall be in Queſtion: Nor ſhall any Appeal, Writ of Error, or *Superſedeas*, be granted or allowed until a final Judgment or Decree ſhall be given in the County Court, or other inferior Court.

Method of ſuing forth Writs of Error, and *Superſedeas*.

XXV. AND to the End that all Writs of Error, and *Superſedeas*, may be regularly obtained and iſſued, *Be it further Enacted, by the Authority aforeſaid*, That the Party praying ſuch Writ or Writs, ſhall petition the Governor or Commander in Chief, for the Time being, and the reſt of the Judges of the General Court, and aſſign Error, and ſome Attorney, practiſing in the General Court, ſhall certify under his Hand, that in his Opinion ſufficient Matter of Error is ſet forth, or ſhewn, by the Petitioner; and thereupon the Governor or Commander in Chief, and two other of the Judges, may order ſuch Writ or Writs to be iſſued, by the Clerk of the General Court, or may reject the Petition, as they think fit; and upon granting any ſuch Writ or Writs, and before iſſuing thereof by the Clerk, ſuch Petitioner ſhall give Bond and Security in the Secretary's Office: Which Bonds ſhall be under the like Penalties and Conditions, and the Parties ſubject to Payment of the like Damages and Coſts, as in Caſes of Appeal.

Judgment.

AND if upon Trial of any Appeal, Writ of Error, or *Superſedeas*, the Judgment or Decree of any County Court, or other inferior Court, ſhall be reverſed, the General Court ſhall enter ſuch Judgment, or make ſuch Decree thereupon, as ſhould have been entered or made in the inferior Court.

Certiorari, how to be ſued forth.

XXVI. AND for ſettling a Method of obtaining Writs of *Certiorari*, to remove civil Cauſes from the County Courts, or other inferior Courts, into the General Court, *Be it further Enacted, by the Authority aforeſaid*, That the Party deſiring ſuch Writ or Writs, when the General Court is not ſitting, ſhall by Petition

tition to the Governor, or Commander in Chief for the Time being, and the rest of the Judges of the General Court, set forth the Reasons of his desiring such Writ or Writs, and shall make Oath before a Magistrate to the Truth of the Allegations of his Petition, and then the Governor and any other two of the Judges may, under their Hands, order and award such Writ or Writs to the Party praying the same, or may refuse such Writ or Writs, according as the Matter shall appear to them just and necessary or not; and the Clerk of the Secretary's Office shall carefully file such Petition and Affidavit in the Office, and shall also take Bond from the Petitioner, in such Penalty as shall be directed by the Governor and Judges ordering and awarding such Writ or Writs, and with one or more sufficient Security or Securities, for satisfying and paying all such Sum and Sums of Money, or Tobacco, and Costs, as shall be adjudged to the adverse Party, in the Cause or Causes so to be removed, and thereupon the Clerk shall and may issue such Writ or Writs, but not otherwise. *A. D.* 1748.

AND that if any Person making Oath to the Truth of the Allegations of his Petition, as aforesaid, shall take a false Oath, and be thereof convicted, he shall be adjudged guilty of Perjury, and suffer as a Person convicted of wilful and corrupt Perjury: *Provided always*, That the Prosecution of such Offence be commenced within Twelve Months after the Offence committed. Punishment of the Party taking a false Oath.

AND that no Writ or Writs of *Certiorari* whatsoever shall be granted, where the Matter in Dispute shall not be originally cognizable in the General Court: And if any Cause or Causes be removed, or stayed by any such Writ or Writs, and afterwards the same Cause or Causes shall be remanded, or sent back again, by any Writ of *Procedendo*, or other Writ whatsoever, such Cause or Causes shall never afterwards be removed, or stayed before Judgment, by any Writ or Writs whatsoever, to be sued forth from the General Court, or Secretary's Office. This Writ shall not be granted in any Matter not originally cognizable in the General Court. Causes remanded, shall not be removed before Judgment.

AND that to prevent the obtaining any Writ of *Certiorari* by Surprise, the Party praying such Writ in any Civil Cause, shall give Notice to the adverse Party, of the Time of his moving or petitioning for such Writ at least ten Days before such Motion or Petition, and no such Writ shall at any Time be granted, without producing an Affidavit of such Notice. Notice to the adverse Party.

XXVII. *AND be it further Enacted, by the Authority aforesaid*, That where any Person shall be committed, in any Civil Action, to the Goal of any County, or Corporation, for any Cause or Matter cognizable in the General Court, it shall and may be lawful for such Person to sue out an *Habeas Corpus, cum Causa*, to remove his or her Body to the public General Court Prison, and the Cause of such Commitment into the General Court, and the Clerk of the Secretary's Office is hereby authorised and required, upon the Application of any such Prisoner, to issue such Writ accordingly. *Habeas Corpus*.

XXVIII. AND for settling the Method of and expediting Proceedings in the General Court in Chancery, *Be it further Enacted, by the Authority aforesaid*, That in all such Suits the following Rules and Methods shall be put in Practice and observed, *to wit*, That the Complainant shall file his Bill within four Days after the Day of Appearance. That upon the Complainant's dismissing his Bill, or the Defendant's dismissing the same for Want of Prosecution, the Complainant shall pay Costs, to be taxed by the Clerk of the Court, for which Costs a Subpoena, or other Process of Contempt may issue, returnable on any Return Day. Rules in Chancery.

THE Complainant may amend his Bill before the Defendant appears, or in a small Matter afterwards, without paying Costs; but if he amend after Appearance, and in a material Point, whereby the Defendant shall be put to any extraordinary Costs, such Costs shall be paid before the Complainant shall be at Liberty to amend his Bill.

A. D. 1748.

IF any Defendant ſhall not appear upon Attachment returned executed, or being brought into Court upon any ſuch Proceſs, ſhall obſtinately refuſe to anſwer, the Complainants Bill ſhall be taken *pro Confeſſo*, and the Matter thereof decreed accordingly.

THE Defendant ſhall put in his Anſwer, to be filed with the Clerk in the Office, within Three Months after his Appearance, and Bill filed, at the Expiration of which Time, if no Anſwer ſhall be put in, the Clerk upon Requeſt ſhall iſſue an Attachment, returnable to the next Court, and if no Anſwer ſhall be put in upon the Return of ſuch Attachment executed, the Complainants Bill ſhall be taken *pro Confeſſo*, and the Matter thereof decreed: And if the Attachment be returned, not executed, ſuch further Proceſs of Contempt may iſſue, as is iſſuable out of the High Court of Chancery in *England*, in like Caſes.

NO Proceſs of Contempt ſhall iſſue without Oath made of the Service of the Subpœna, unleſs the ſame ſhall be returned ſerved by a ſworn Officer.

EVERY Defendant ſhall be at Liberty to ſwear to his Anſwer, before any Judge or Juſtice of the General Court, or before any Juſtice of Peace.

WHEN any Croſs-Bill ſhall be preferred, the Defendant or Defendants in the firſt Bill ſhall Anſwer thereto, before the Defendant or Defendants in the ſecond Bill ſhall be compellable to put in his or their Anſwer to ſuch Croſs-Bill.

THE Complainant ſhall reply, or file Exceptions, within Two Months after the Defendant ſhall have put in his Anſwer: And if the Complainant, at the Expiration of that Time, ſhall neither reply, nor file Exceptions, the Defendant may give the Complainant a Rule to reply, with the Clerk of the Court, in the Secretary's Office, which being expired, and no Replication, or Exceptions filed, the Suit ſhall be diſmiſſed with Coſts.

IF the Complainants Attorney do except againſt the Anſwer of any Defendant, or Defendants, as inſufficient, he may file his Exceptions, and give a Rule with the Clerk in the Office, to make a better Anſwer, within Two Months, and if before the Expiration of ſuch Rule, the Defendant ſhall put in a ſufficient Anſwer, the ſame ſhall be received without Coſts: But if the Defendant or Defendants inſiſt on the Sufficiency of the Anſwer, or neglect or refuſe to put in a ſufficient Anſwer, or ſhall put in another inſufficient Anſwer, the Plaintiff may ſet down his Exceptions, to be argued the next ſucceeding General Court, and after the Expiration of ſuch Rule, or any ſecond inſufficient Anſwer put in, no further or other Anſwer ſhall be received, but upon Payment of Coſts.

IF any Bill ſhall be diſmiſſed for Want of a Replication, or other Proceedings, the Court if they ſee Cauſe may order the ſame to be retained upon Motion and Payment of Coſts.

AND if upon Argument the Complainant's Exceptions ſhall be over-ruled, or the Defendant's Anſwer adjudged inſufficient, the Complainant ſhall pay to the Defendant, or the Defendant to the Complainant, as the Caſe ſhall be, ſuch Coſts as ſhall be allowed by the Court.

UPON a ſecond Anſwer adjudged inſufficient, Coſts ſhall be doubled.

IF any Defendant ſhall put in a third inſufficient Anſwer, which ſhall be ſo adjudged, ſuch Defendant ſhall be examined upon Interrogatories, and committed, 'til he ſhall perfectly Anſwer thoſe Interrogatories and pay Coſts.

UPON

UPON adjudging any Anſwer inſufficient, the Complainant may have one Subpœna for Coſts, and another to make a better Anſwer, or one Subpœna for Coſts and to make a better Anſwer, at his Election.

IF the Defendant, after Proceſs of Contempt, put in an inſufficient Anſwer, which ſhall be ſo adjudged, the Complainant ſhall not be obliged to take out a new Subpœna, but may go on to the Attachment with Proclamation, and other Proceſs of Contempt, as if no Anſwer had been put in.

THAT Rules to plead, reply, rejoin, and for further Proceedings, when neceſſary, ſhall be given from Month to Month, as is herein before directed for Rules in Proceedings at the Common Law.

NO Defendant ſhall be admitted to put in a Rejoinder, unleſs it be filed within Four Days after the Expiration of the Rule to rejoin, but the Complainant may proceed to the Examination of Witneſſes.

NO Rule to rejoin ſhall be given before a Replication ſhall be filed.

AFTER an Attachment with Proclamation returned, no Plea or Demurrer ſhall be received, unleſs by Order of Court, upon a Motion.

IF the Complainant conceives any Plea or Demurrer to be naught, either for the Matter or Manner of it, he may ſet it down with the Clerk, to be argued; or if he thinks the Plea good but not true, he may take Iſſue upon it, and proceed to Proofs, giving Notice of Hearing as aforeſaid, and if ſuch Plea ſhall be adjudged falſe, the Complainant ſhall have the ſame Advantage as if the ſame Plea had been found falſe by Verdict at Common Law.

IF a Plea be pleaded, or Demurrer put in and over-ruled, no other Plea or Demurrer ſhall hereafter be received, but the Defendant ſhall anſwer the Allegations of the Bill.

THE Complainant, a Month after a Plea or Demurrer put in, may cauſe the ſame to be ſet down, to be argued, but if the Complainant ſhall not proceed to have the ſame ſo ſet down, before the ſecond Court after ſuch Plea or Demurrer put in, the Bill may be diſmiſſed of Courſe, with Coſts.

UPON a Plea or Demurrer argued, and over-ruled, Coſts ſhall be paid as where an Anſwer ſhall be judged inſufficient, and the Defendant ſhall anſwer within Two Months after; but if adjudged good, the Defendant ſhall have his Coſts.

IF any Defendant ſhall obſtinately inſiſt on a Demurrer, and refuſeth to anſwer, where the Court ſhall be of Opinion that ſufficient Matter is alledged in the Bill to oblige him to anſwer, and for the Court to proceed upon, the Bill ſhall be taken *pro Confeſſo*, and the Matter thereof decreed.

UPON any Bill filed, and before the Defendant puts in his Anſwer, upon Oath made, that any of the Complainant's Witneſſes are aged, and infirm, or going out of this Colony, whereby the Complainant thinks he is in Danger of loſing the Benefit of their Teſtimony, the Clerk may iſſue a Dedimus to take the Examination of ſuch Witneſſes, *de bene eſſe*, the Party taking ſuch Dedimus giving reaſonable Notice to the adverſe Party of the Time and Place of taking ſuch Examination.

COMMISSIONS to examine Witneſſes may be iſſued by the Clerk of the Court at any Time after Replication filed, the Party taking ſuch Commiſſion giving Ten Days Notice to the adverſe Party of the Time and Place of executing the ſame.

A. D. 1748.

WHEN any Cause shall be at Issue, and the Examination of Witnesses returned, if the Complainant shall not, within a Month thereafter, set down the Cause for hearing, with the Clerk in the Secretary's Office, the Defendant may have the Cause set down at his Request, and bring the same to Hearing, giving the Complainant or his Attorney such Notice as is herein before directed in Cases of Trial at Common Law.

No Injunction to be granted for less Value than an Appeal

AND that no Injunction shall be granted from the General Court, to stay the Proceedings in any Suit commenced in the County Court, or other inferior Court, unless the Matter in Dispute be of Value sufficient to admit of an Appeal to the General Court.

Proviso. For Suits depending before this Act.

XXIX. *PROVIDED always*, That nothing in this Act contained shall extend to any Suits or Controversies now depending in, or returnable to the General Court: But that all Writs and other Process at the Common Law, or in Chancery, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted at any Time before passing this Act, and now returnable, or depending in the General Court, shall and may be returned, prosecuted, heard, and determined, in the same Manner as if this Act had never been made.

Where the Sheriff & Officers attending the Court may summon Jurors and Witnesses & execute the Courts Commands.

XXX. *AND be it further Enacted, by the Authority aforesaid*, That the Sheriff and his Officers attending the General Court, shall be, and are hereby impowered, during the Sitting of the said Court, from Time to Time, to summon Grand and Petit Juries, and Witnesses, and to execute the Commands of the said Court, within the City of *Williamsburg*, or other Place where the General Court shall be held, and half a Mile round the same, and to make Return thereof, and such Return shall be sufficient for the Court to proceed thereon.

Repealing Clause.

XXXI. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby Repealed.

Commencement of this Act.

XXXII. *AND be it further Enacted*, That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. VII.

An Act for establishing County Courts, and for regulating and settling the Proceedings therein.

I. FOR the better and more expeditious Determination of Controversies, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That in every County of this Dominion, a Monthly Court shall be held, by the Justices thereof, at the several respective Places already assigned for that Purpose, or at such Place or Places as shall be hereafter lawfully appointed, upon the Days herein after limited for each County respectively, and at no other Time or Place: Which Courts shall be called County Courts, and consist of Eight or more Justices of the Peace, commissionated by the Governor or Commander in Chief of this Dominion, for the Time being: Any Four of them, One being of the Quorum, shall be sufficient to hear and determine all Causes depending in the said County Courts.

County Courts

Justices of Peace.

Four of them, (One of the Quorum) to be a Court.

Justices shall be Sworn.

II. *AND be it further Enacted, by the Authority aforesaid*, That every Person so nominated and appointed a Justice of Peace, before his entering upon and

and executing the said Office, shall publickly in the Court-House of his County, and on a Court-Day, take the Oaths appointed, or which shall be appointed to be taken by Act of Parliament, take and subscribe the Oath of Abjuration, repeat and subscribe the Test, and shall also take the following Oaths, *to wit*, *A. D.* 1748.

The Oath of a Justice of the Peace.

Their Oath.

YOU shall swear, That as a Justice of Peace in the County of in all Articles in the Commission to you directed, you shall do equal Right to the Poor and to the Rich, after your Cunning, Wit, and Power, and according to Law; and you shall not be of Counsel of any Quarrel hanging before you, and the Issues, Fines, and Amerciaments, that shall happen to be made, and all Forfeitures which shall fall before you, you shall cause to be entered, without any Concealment or Imbeziling; you shall not let, for Gift or other Causes, but well and truly you shall do your Office of a Justice of the Peace, as well within your County Court, as without; and you shall not take any Fee, Gift, or Gratuity, for any Thing to be done by Virtue of your Office; and you shall not direct, or cause to be directed, any Warrant by you to be made, to the Parties; but you shall direct them to the Sheriff, or Bailiffs of the said County, or other the King's Officers or Ministers, or other indifferent Persons, to do Execution thereof.

So help you God.

The Oath of a Justice of the County Court in Chancery.

Oath of a Justice in Chancery.

YOU shall swear, That well and truly you will serve our Sovereign Lord the King, and his People, in the Office of a Justice in the County Court of in Chancery, and that you will do equal Right to all Manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, *without Favour, Affection, or Partiality.*

So help you God.

AND if any Person whatsoever shall presume to execute the Office of a Justice of Peace, without first qualifying himself in the Manner by this Act before required, he shall, for every such Offence, forfeit and pay Three Hundred Pounds current Money, one Moiety to his Majesty, his Heirs and Successors, towards the better Support of this Government, and the other Moiety to the Informer; to be recovered by Action of Debt in any Court of Record of this Dominion. Executing the Office without being sworn, forfeit 300 *l.*

III. *AND be it further Enacted, by the Authority aforesaid,* That the said County Courts shall be constantly held every Month, upon the Days hereafter specified, for every County respectively, that is to say, For the County of *Accomack* on the last *Tuesday*, *Albemarle* on the second *Thursday*, *Amelia* on the fourth *Thursday*, *Augusta* on the third *Wednesday*, *Brunswick* on the fourth *Tuesday*, *Charles-City* on the first *Wednesday*, *Caroline* on the second *Thursday*, *Elizabeth-City* on the first *Tuesday*, *Essex* on the third *Tuesday*, *Fairfax* on the third *Tuesday*, *Frederick* on the first *Tuesday*, *Gloucester* on the fourth *Thursday*, *Goochland* on the third *Tuesday*, *Hanover* on the first *Thursday*, *Henrico* on the first *Monday*, *James-City* on the second *Monday*, *Isle of Wight*, on the first *Thursday*, *King and Queen* on the second *Tuesday*, *King William* on the third *Thursday*, *King George* on the first *Thursday*, *Lancaster* on the third *Friday*, *Louisa* on the fourth *Tuesday*, *Lunenburg* on the first *Tuesday*, *Middlesex* on the first *Tuesday*, *Nansemond* on the second *Monday*, *New-Kent* on the second *Thursday*, *Norfolk* on the third *Thursday*, *Northampton* on the second *Tuesday*, *Northumberland* on the second *Monday*, *Orange* on the fourth *Thursday*, *Princess Ann* on the third *Tuesday*, *Prince George* on the second *Tuesday*, *Prince William* on the fourth *Monday*, *Richmond* on the first *Monday*, *Spotsylvania* on the first *Tuesday*, *Stafford*, on the second *Tuesday*, *Surry* on the third *Tuesday*, *Warwick* on the first *Thursday*, *Westmoreland* on the last *Tuesday*, and *York* on the County Court Days.

third

A. D. 1748.

Adjournment to Court in Course. But may be adjourned from Day to Day, till all Causes are determined, or continued.

third *Monday* of every Month: And every Adjournment shall be to the next succeeding Court in Course, and not otherwise.

IV. *PROVIDED nevertheless*, That if the Business of any of the said Courts cannot be determined on the Court Day, the Justices may adjourn from Day to Day, until all Causes and Controversies, then depending before them, shall be heard and determined, or otherwise continued in the Manner herein after-directed.

Jurisdiction of the Court.

Criminal Causes touching Life or Member, and Process of Outlawry excepted. Causes under 25 *s.* or 200 *l.* of Tobacco, determinable before one Justice. But he may not issue Execution against the Body.

V. *AND be it further Enacted, by the Authority aforesaid*, That the Justices of every County Court, or any Four of them, as aforesaid, shall and may take Cognizance of, and are hereby declared to have Power, Authority, and Jurisdiction, to hear and determine all Causes whatsoever, at the Common Law or in Chancery, within their respective Counties, except such Criminal Causes where the Judgment upon Conviction, shall be for the Loss of Life or Member, and except the Prosecution of Causes to Outlawry against any Person or Persons, and except also, all Causes of less Value than Twenty Five Shillings current Money or two Hundred Pounds of Tobacco, which said Causes, under Twenty Five Shillings, or Two Hundred Pounds of Tobacco, are hereby declared to be cognizable, and finally determinable by any one Justice of the Peace, who may give Judgment, and thereupon award Execution against the Goods and Chattels of the Debtor, or Party against whom such Judgment shall be given, which shall be executed and returned, by the Sheriff or Constable to whom directed, in the same Manner as other Writs of *Fieri Facias* are to be executed and returned; but no Execution shall be by him granted against the Body of the Defendant.

Attachment.

How to be directed, executed, and returned.

VI. *AND be it further Enacted, by the Authority aforesaid*, That it shall be lawful for any Justice of Peace, upon Complaint to him made by any Person, That his Debtor is removing out of the County privately, or absconds and conceals himself, so that the ordinary Process of Law cannot be served upon him, to grant an Attachment against the Estate of such Debtor, or so much thereof as shall be of Value sufficient to satisfy the Debt and Costs of such Complainant; which Attachment, where the Debt or Demand shall be of the Value of Twenty Five Shillings current Money, or Two Hundred Pounds of Tobacco, or upwards, shall be returnable to the next County Court, and directed to, and served by the Sheriff, or his Under-Sheriff, unless in Cases where the Sheriff is a Party interested, and then the same shall be directed to and served by a Coroner; and it shall be lawful for such Sheriff or Officer to serve and levy the same, upon the Slaves, Goods, and Chattels of the Party absconding, wherever the same shall be found, or in the Hands of any Person or Persons indebted to, or having any Effects of the Party absconding, and to summon such Garnishee or Garnishees, to appear at the next Court to be held for the said County, there to answer upon Oath, what he or she is indebted unto such Party, and what Effects of such Party, he or she hath in his or her Hands, or had at the Time of serving such Attachment, which being returned executed, the Court may thereupon compel such Garnishee to appear, and answer as aforesaid.

But Bond and Security shall be first taken by the Justice, and returned to Court, otherwise the Attachment void.

VII. *PROVIDED always*, That every Justice of Peace, before granting such Attachment, shall take Bond and Security of the Party for whom the same shall be issued, in double the Sum to be attached, payable to the Defendant, for satisfying and paying all Costs which shall be awarded to the said Defendant, in Case the Plaintiff, suing out the Attachment therein mentioned, shall be cast in his Suit, and also all Damages which shall be recovered against the said Plaintiff, for his suing out such Attachment; which Bond shall be by the same Justice returned to the Court to which the Attachment is returnable, and the Party intituled to such Costs or Damages, may thereupon bring Suit and recover; and every Attachment issued without such Bond taken, or where no Bond shall be returned, is hereby declared illegal and void, and shall be dismissed,

VIII. PRO-

A. D. 1748.

VIII. *PROVIDED also*, That all Attachments shall be repleviable by Appearance, and putting in good Bail, if by the Court ruled so to do, or by giving Bond with good Security, to the Sheriff or other Officer serving the same, which Bond the Sheriff or other Officer is hereby impowered and required to take, to appear at the Court to which such Attachment shall be returnable, and to abide by, and perform the Order and Judgment of such Court.

Attachments repleviable by Appearance and Bail, or Security for Appearance.

IX. *AND be it further Enacted, by the Authority aforesaid*, That upon the Defendant or Defendants replevying any attached Effects, by giving Bond and Security to the Sheriff, or other Officer, as aforesaid, the Sheriff shall return the Name of the Security by him so taken, and if such Security shall be adjudged insufficient by the Court, and if the Defendant shall fail to appear, and give special Bail, if thereunto ruled by the Court, such Sheriff and Security, shall be subject to the same Judgment and Recovery, and have the same Liberty of Defence and Relief, as if such Security had been taken upon the Execution of mesne Process.

Rules, where Security is taken for Appearance.

X. *AND be it further Enacted, by the Authority aforesaid*, That it shall be lawful for any Creditor, where his Debt doth not exceed Five Pounds current Money, or One Thousand Pounds of Tobacco, to go before any Justice of Peace of the County where his Debtor resides, and make Oath, how much is justly due to him, and that he has Grounds to suspect, and verily believes, that such Debtor intends to remove his Effects; and thereupon such Justice shall issue an Attachment against the Estate of such Debtor, returnable to his next County Court, directed to all Sheriffs and Constables within the Colony of *Virginia*; and by Virtue thereof, it shall be lawful, as well for the Sheriff, or any Constable of the County where such Attachment shall be obtained, as for the Sheriff or any Constable of other Counties, to pursue and seize such Effects, and to make Return of such Attachment to the Court where the same shall be returnable, and thereupon such Proceedings shall be had, without a Petition, as in other Cases of Attachment.

Method of prosecuting Attachments for 5 *l.* or 1000 *l.* Tobacco, or under.

XI. AND upon Complaint made to a Justice of Peace, that any Person indebted to the Complainant, in any less Sum than Twenty Five Shillings current Money, or Two Hundred Pounds of Tobacco, is removing out of the County privately, or so absconds or conceals himself that a Warrant cannot be served upon him, it shall be lawful for such Justice, taking Bond and Security, as in this Act is before directed, to grant an Attachment against the Estate of such Debtor, or so much thereof as shall be of Value sufficient to satisfy the Debt and Costs of the Party praying such Attachment, directed to the Sheriff or any Constable of his County, and returnable before himself, or any other Justice thereof, who shall and may proceed thereupon, as upon an Attachment returnable to the County Court.

Where under 25 *s.* or 200 *l.* of Tobacco.

XII. AND if any Attachment, returnable to the County Court, or before a Justice of Peace, shall be returned executed, and the Goods or Effects attached shall not be replevied as this Act directs, the Plaintiff shall be entitled to a Judgment for his whole Debt, and may take Execution thereupon; and all Goods and Effects attached, and not replevied as aforesaid, shall be sold and disposed of for and towards Satisfaction of the Plaintiff's Judgment, in the same Manner as Goods taken in Execution upon a Writ of *Fieri Facias*: And where any Attachment shall be returned, served in the Hands of any Garnishee, it shall be lawful, upon his or her Appearance and Examination, in the Manner by this Act before directed, to enter up Judgment, and award Execution against every such Garnishee, and Garnishees, for all Sums of Money or Tobacco, due from him, her, or them, to the Person absconding, or in his, her, or their Custody or Possession, for the Use of such Person, or so much thereof as shall be of Value sufficient to satisfy the Debt and Costs of the Complainant: And all Goods and Effects whatsoever, in the Hands of any Garnishee or Garnishees, belonging to such absconding Person, shall be liable to satisfy such Judgment.

Where the Attachment is not replevied, the Plaintiff shall have Judgment.

Judgment against Garnishee.

A. D. 1748.

Method of iſſuing, executing, and returning Proceſs.

XIII. *AND be it further Enacted, by the Authority aforeſaid,* That all original Proceſs, by Writ, Summons, Petition, or any other Manner or Means, and all ſubſequent Proceſs thereupon, to bring any Perſon or Perſons to anſwer, in any Action, real, perſonal, or mixed, Suit, Information, Bill, or Plaint, in any County Court, and all Attachments awarded by the ſaid Courts, at the Common Law, and all Subpœnas, Attachments, and other Proceſs in Chancery, ſhall be iſſued and bear Teſte, by the Clerk of every County Court reſpectively, returnable to the next ſucceeding Court, and ſhall be executed three Days at leaſt, before the Day therein mentioned for the Return thereof; and if any Proceſs ſhall be delivered to the Sheriff or Officer, ſo late that he cannot execute the ſame Three Days before the Return Day, ſuch Proceſs ſhall not be executed, but the Officer ſhall return the Truth of the Caſe; and if any original Proceſs be taken out within Three Days before the next Court Day, ſuch Proceſs ſhall be returnable to the next Court after the ſaid Three Days, and not otherwiſe; and all Proceſs iſſued or returnable in other Manner, than is herein before directed, ſhall be null and void.

Criminal Caſes excepted.

XIV. *PROVIDED neverthelеſs,* That any Juſtice or Juſtices of the Peace, by his or their Warrant, may cauſe any Traitor, Felon, Pirate, Rioter, Breaker of the Peace, or other Criminal Offender to be apprehended and brought before the ſame, or ſome other Juſtice or Juſtices, or before the next County Court, altho' there be not Three Days between the Execution of ſuch Warrant, and the Return thereof.

Proceſs againſt a Councillor or Sheriff, as in General Court

XV. *AND be it further Enacted, by the Authority aforeſaid,* That Proceſs againſt any Member of his Majeſty's Council, or the Sheriff of any County, within this Colony; and the Proceedings thereupon, ſhall be after the ſame Manner in the County Court as in the General Court.

Bail.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That upon executing any Proceſs, whereupon Bail ſhall be requirable, the Sheriff ſhall return therewith the Names of the Bail by him taken; and if he ſhall not return Bail, or the Bail returned ſhall be judged inſufficient by the Court, or the Defendant ſhall fail to appear, or to give ſpecial Bail, when ruled thereto by the Court, ſuch Sheriff or Bail ſhall be ſubject to the ſame Judgment and Recovery, and ſhall have the ſame Liberty of Defence, Relief, and Remedy, as in like Caſes is by Law provided in Suits depending in the General Court.

Special Bail.

XVII. AND that upon Appearance of the Defendant in any perſonal Action, where the Plaintiff ſhall move, That the Defendant may be held to ſpecial Bail, the Court may, if they ſee Cauſe, rule him to give Bail accordingly, or commit him in Cuſtody of the Sheriff till ſuch Bail be given; and the Perſon and Perſons, becoming ſpecial Bail, ſhall be liable to the Judgment and Recovery againſt ſuch Defendant, unleſs he render his Body in Execution in Diſcharge of his Bail.

No Bail in Proſecutions upon penal Laws.

PROVIDED always, That no ſpecial Bail ſhall be requirable in any Suit brought upon a penal Law, unleſs by ſuch Law, Bail ſhall be expreſly directed.

Proceſs where the Defendant is not found.

XVIII. AND for the better aſcertaining what Proceſs may be ſued out where the Sheriff returns, that the Defendant is not to be found in his Bailiwick, *It is hereby further Enacted, by the Authority aforeſaid,* That where any Sheriff ſhall make ſuch Return, the Plaintiff or Plaintiffs, in any Civil Action, ſhall, and may ſue out an Attachment againſt the Eſtate of ſuch Defendant, returnable as herein before is directed for the Returns of original and other ſubſequent Proceſs, thereupon to force an Appearance, or an *Alias*, or *Pluries Capias*, at the Election of the Plaintiff or Plaintiffs, and if the Sheriff ſhall return any Goods by him attach-

ed,

ed, the Plaintiff shall file his Declaration, and be intituled to a Judgment for his whole Debt, and the Goods so attached shall remain in Custody of the Sheriff 'til such Judgment obtained, and then be sold and disposed of in the same Manner as Goods taken in Execution upon a Writ of *Fieri Facias*; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have an Execution for the Residue. *A. D.* 1748.

PROVIDED always, That all Goods so attached shall and may be replevied by the Defendants giving Bond and Security, to the Sheriff or other Officer, attaching the same, in like Manner as by Law is directed on the Execution of mesne Process, or by the Defendants Appearance, and putting in good Bail, if ruled by the Court to give special Bail.

XIX. AND for the regular Prosecution and Determination of Suits, entering up the Judgments, and Preservation of the Records, *It is hereby further Enacted*, That the following Rules and Methods shall be observed, *to wit*, That the Plaintiff or Demandant in any Suit shall file his Declaration before or at the first Calling of the Cause in Court, and that no Incipitur shall be filed or received in Lieu of a Declaration. Rules in Proceedings at the CommonLaw.

THAT if the Plaintiff or Demandant fails to file his Declaration, or to appear and prosecute his Suit, he shall be Non-suit. Non-suit.

THAT upon every Non-suit Five Shillings shall be paid, besides Costs of Suit. 5 *s.* and Costs.

THAT every Defendant or Tenant shall file his Plea in Writing, and if he fails so to do, Judgment shall be given against him for Want of a Plea; but no Plea in Abatement, or of *Non est Factum*, shall be received, or admitted in any Cause depending in any County Court, unless the Party offering the same shall, by Affidavit, prove the Truth thereof, and the Plaintiff in Replevin, or the Defendant in any other Action, may plead as many several Matters as he shall think necessary for his Defence, so as they be not admitted to plead and demur to the whole.

THAT in every Cause, unless brought by Petition, if the Plaintiff recovers, or is Non-suit, or where his Suit shall be dismissed, or Judgment passed for the Defendant, the Court shall allow in the Bill of Costs, Fifteen Shillings, or One Hundred and Fifty Pounds of Tobacco, for an Attorney's Fee, if the Party employed one, except against Executors or Administrators, or where the Plaintiff may not recover more Costs than Damages. Lawyer's Fee. Exception.

THAT in all Cases where a Fine is laid upon the Members of any Vestry, one Action may be brought against them all jointly. Suits against Vestries.

THAT the Clerk of the Court do carefully preserve the Declarations, Pleas, Evidences, and all other Papers, relating to any Cause in Court, and that they be all filed together in the Office. Rules of Court.

THAT in all Cases, where the Title or Bounds of any Estate in Land is determined, the Pleadings shall be all in Writing, and shall be entered at large, with the Judgment thereupon, in particular Books kept for that Purpose only.

AND that for preventing Errors in entering the Judgments of the Court, the Justices, before every Adjournment, shall cause the Minutes of their Proceedings to be publickly read, by the Clerk, and corrected where necessary, and then the same shall be signed by the first Justice in Commission then sitting, which Minutes so signed shall be taken in a Book, and carefully preserved among the Records, and no Proceedings or Judgments of any Court shall be of Force, or valid, until the same be so read and signed.

XX. AND

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Suits shall not abate for Want of Form.

XX. AND for Prevention of Delay and Vexation, by dilatory Pleas, *It is hereby further Enacted*, in all personal Actions, where the Declaration shall plainly set forth sufficient Matter of Substance for the Court to proceed upon the Merits of the Cause, the Suit shall not abate for Want of Form: And that where a Plea in Abatement shall be pleaded in any Action, and upon Argument the same shall be adjudged insufficient, the Plaintiff or Plaintiffs in such Action shall recover against the Defendant or Defendants full Costs, to the Time of over-ruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted.

Costs upon Plea in Abatement over-ruled.

Method of recovering Debts of 25 *s.* to 5 *l.* by Petition.

XXI. *AND be it further Enacted, by the Authority aforesaid*, That for the more speedy Recovery of small Debts, it shall be lawful for the Justices of any County Court to hear and determine all Suits, brought for any Debt or Demand, due by Judgment, Obligation, or Account, for any Sum or Sums of Money, or Tobacco, of the Value of Twenty Five Shillings Current Money, or Two Hundred Pounds of Tobacco, and not exceeding Five Pounds of like Money, or One Thousand Pounds of Tobacco, by Petition, without the Solemnity of a Jury; and the said Justices are hereby authorised and required, and shall have full Power and Authority so to do, and to award Execution thereupon: And where the Demand shall not exceed the said last mentioned Sums, the Plaintiff shall proceed by Petition, in the Manner by this Act directed, and not otherwise: And if any Plaintiff shall demand a greater Sum, on Purpose to evade this Act, he shall be Non-suit, and pay Costs: And that the said Method of proceeding shall be in a summary Way, *to wit*,

Plaintiff proceeding otherwise, shall be Non-suit.

Rules in Suits brought by Petition.

THE Petition shall express, whether the Debt arises by Judgment, Obligation, or other Specialty, or by Account, and if by Account, the same shall be filed together with the Petition.

UPON filing any such Petition in the Clerk's Office, a Summons of Course shall be issued, under the Hand of the Clerk, returnable to the next Court, a Copy of which, together with a Copy of the Petition, and of the Account where the Demand is upon an Account, shall be delivered to the Defendant, or left at his or her usual Place of Abode, Ten Days at least before the next succeeding Court, and the same being returned executed, by a sworn Officer, or Oath made of the due Service thereof, if the Defendant do not then appear, it shall be lawful for the said Justices to hear and examine into the Truth of the Matter complained of, and to determine the Cause upon the Evidence produced, or to dismiss the Petition, as to them shall seem just; and if the Defendant do appear upon such Summons, he shall forthwith put in such Answer, or Plea, thereto, as will bring the Matter of Complaint in Issue, and thereupon, or if he fails to plead, the Court shall instantly proceed to hear and determine the Cause, in a summary Way, upon such Evidence as shall be given, and shall give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without Regard to Form, or Want of Form, in the Process, Petition, or Course of Proceeding, so as sufficient Matter be set forth, whereupon the Court may give Judgment according to the very Right of the Cause; in which Proceedings the Defendant shall have Benefit of all Matters in his Defence that he might have had if he had been sued in the ordinary Forms of Law: And the Court shall not admit of any Delay, in the Determination of any Suit brought by Petition, 'til another Court, unless good Cause be made appear for such Delay: But where the Penalty of any Bond or Obligation for Debt shall exceed Five Pounds Current Money, or One Thousand Pounds of Tobacco, and shall be put in Suit, the same shall be brought and prosecuted by Action at the Common Law, and not by Petition, altho' Part of the Principal be paid before Suit brought: And when any such Petition shall be filed within less than Ten Days before the Court-Day next following the filing thereof, the Summons thereupon shall be made returnable to the next Court held after the Expiration of Ten Days: And the same being return'd executed, or Oath made of the due Service thereof, as aforesaid,

The Court shall not admit of Delay.

Bonds for more than 5 *l.* Penalty shall be prosecuted by Action at Common Law.

Summons issued within 10 Days before the next Court Day, shall be returnable to the Court next after.

ſaid, the Proceedings thereupon, at the Return-Day, ſhall be in like Manner as before directed: And that upon every Judgment given upon any ſuch Petition, if the Defendant reſides in another County than where the Debt was contracted, or if the Creditor, or Plaintiff, ſhall be unable to attend the Court in Perſon, or where the Defendant is ſued out of his County and recovers Coſts againſt the Plaintiff, in any ſuch Caſe, if a Lawyer ſhall be employed, the Clerk ſhall tax, in the Bill of Coſts, Seven Shillings and Six Pence, for a Lawyer's Fee, and no more, except againſt Executors or Adminiſtrators.

A. D. 1748.

Lawyer's Fee.

XXII. AND for preventing Expence and Delay in proſecuting Actions of Detinue, or Trover, for any Thing under the Value of Five Pounds, *Be it further Enacted, by the Authority aforeſaid,* That where any Perſon intituled to an Action of Detinue, or Trover, ſhall ſet forth the Value of the Thing demanded to be under that Sum, in a Petition to any County Court, a Summons ſhall iſſue, and the Court ſhall hear and determine the ſame, in the Method by this Act directed for the Recovery of ſmall Debts; and if in any ſuch Action the Plaintiff ſhall declare for any Thing of leſs Value than Five Pounds, excluſive of Damages, he ſhall be Non-ſuit.

Detinue, and Trover, under 5 *l.* Value, ſhall be brought by Petition.

XXIII. AND for the eaſier, ſpeedier, and better Advancement of Juſtice, in obtaining Judgments, in any Suit or Action brought upon any of the penal Laws of this Colony, where the Penalty ſued for ſhall not exceed Five Pounds Current Money, or One Thouſand Pounds of Tobacco, *Be it further Enacted, by the Authority aforeſaid,* That where any Demurrer ſhall be joined, and entered in any ſuch Suit or Action, in any Court of Record of this Dominion, the Judges ſhall proceed and give Judgment according to the very Right of the Cauſe, and as the Matter in Law ſhall appear unto them, without regarding any Imperfection, Omiſſion, or Defect in any Writ, Return, Plaint, Declaration, Information, or other Pleading, Proceſs, or Courſe of Proceeding whatſoever, except thoſe only which the Party demurring ſhall ſpecially and particularly ſet down and expreſs, together with his Demurrer, as Cauſes of the ſame, notwithſtanding ſuch Imperfection, Omiſſion, or Defect might have heretofore been taken to be Matter of Subſtance, ſo as ſufficient Matter appear in the ſaid Pleadings, upon which the Court may give Judgment according to the very Right of the Cauſe: And that if any Verdict ſhall be given in any ſuch Action, or Suit, in any Court of Record of this Dominion, the Judgment thereupon ſhall not be ſtayed, or reverſed, for or by reaſon of any Default in Form, or Want of Form, in any Writ, Original or Judicial, or by reaſon of any imperfect or inſufficient Return of any Sheriff, or other Officer, nor for any inſufficient Pleading, or Miſ-joining the Iſſue, nor for any Matter of the like Nature; nor ſhall any Judgment given on any Verdict in ſuch Suit, or Action, be reverſed for any the Defects or Cauſes aforeſaid, any Law, Statute, or Uſage, to the contrary, notwithſtanding.

Rules in penal Suits, not exceeding 5 *l* or 1000 *l.* Tobacco.

XXIV. *AND be it further Enacted, by the Authority aforeſaid,* That no Proceſs, depending in any County Court, ſhall be diſcontinued for or by reaſon of the Juſtices failing to hold Court, upon the Day by Law appointed; but in ſuch Caſe, all Suits, Proceſs, Matters, and Things depending, ſhall ſtand continued, and all Returns and Appearances ſhall be made, to the next ſucceeding Court in Courſe, in the ſame Manner as if ſuch ſucceeding Court had been the ſame Court to which ſuch Proceſs ſtood continued, or ſuch Returns or Appearances ſhould have been made: And all Recognizances, Bonds, and Obligations, for Appearance, and all Returns, ſhall be of the ſame Force and Validity, for the Appearance of any Perſon or Perſons at ſuch ſucceeding Court, and all Summonſes for Witneſſes as effectual, as if the next ſucceeding Court had been expreſly mentioned therein: And all Cauſes depending upon the Docket, and undetermined at any Adjournment to the Court in Courſe, ſhall ſtand continued in the ſame Order to ſuch Court, without any Fee to the Clerk for the Continuance of ſuch as ſhall not then be called over.

Suits ſhall not be diſcontinued by the Juſtices failing to hold Court.

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XXV. *AND be it further Enacted, by the Authority aforeſaid,* That in all Suits in the County Courts in Chancery, the following Rules and Methods ſhall be put in Practice and obſerved, *to wit.*

Rules in Chancery.

THE Complainant ſhall file his Bill on the Return-Day of the Subpœna, or upon the firſt Appearance of the Defendant.

THAT upon the Complainant's diſmiſſing his Bill, or the Defendant's diſmiſſing the ſame for Want of Proſecution, the Defendant ſhall recover his Coſts.

THE Complainant may amend his Bill before the Defendant appears, or in a ſmall Matter afterwards, without paying Coſts, but if he amend, after Appearance, and in a material Point, whereby the Defendant ſhall be put to any extraordinary Coſts, ſuch Coſts ſhall be paid before the Complainant ſhall be at Liberty to amend his Bill.

IF any Defendant ſhall not appear upon Attachment returned executed, or being brought into Court upon any ſuch Proceſs, ſhall obſtinately refuſe to anſwer the Complainant's Bill, ſuch Bill ſhall be taken *pro Confeſſo,* and the Matter thereof decreed accordingly.

THE Defendant ſhall file his Anſwer at the next Court after his Appearance, and Bill filed, and if no Anſwer be then put in, an Attachment ſhall be awarded, returnable to the next Court, and if no Anſwer be put in upon Return of the Attachment executed, the Complainant's Bill ſhall be taken *pro Confeſſo,* and the Matter thereof decreed.

AND if the Attachment be returned not executed, an Attachment with Proclamation ſhall be iſſued, and if upon the Return thereof no Anſwer ſhall be put in, the Complainant's Bill ſhall be taken *pro Confeſſo,* and the Matter decreed as aforeſaid.

NO Proceſs of Contempt ſhall iſſue without Oath made of the Service of the Subpœna, unleſs the ſame be returned ſerved, by a ſworn Officer.

EVERY Defendant ſhall be at Liberty to ſwear to his Anſwer before any Juſtice of Peace.

WHEN any Croſs-Bill ſhall be preferred, the Defendant or Defendants in the firſt Bill ſhall anſwer thereto, before the Defendant or Defendants in the ſecond Bill ſhall be compellable to put in his or their Anſwer to ſuch Croſs-Bill.

THE Complainant ſhall reply, or file Exceptions, at the next Court after the Defendant's putting in his Anſwer, and if the Complainant ſhall not then reply, nor file Exceptions, his Bill ſhall be diſmiſſed with Coſts.

WHEN the Complainant files Exceptions againſt the Anſwer of any Defendant, or Defendants, as inſufficient, if the Defendant puts in a ſufficient Anſwer at the next Court, the ſame ſhall be received without Coſts: But if the Defendant's Attorney inſiſts on the Sufficiency of the Anſwer put in, and neglects or refuſes to put in a ſufficient Anſwer, or ſhall put in another inſufficient Anſwer, the Plaintiff may ſet down his Exceptions, to be argued the next Court, and after Exceptions ſo filed, or any ſecond inſufficient Anſwer put in, no further or other Anſwer ſhall be received, but upon Payment of Coſts.

AND if upon Argument the Complainant's Exceptions ſhall be over-ruled, or the Defendant's Anſwer adjudged inſufficient, the Complainant ſhall pay to the Defendant, or the Defendant to the Complainant, as the Caſe ſhall be, ſuch Coſts as ſhall be allowed by the Court.

UPON

UPON every ſecond or third Anſwer adjudged inſufficient, Coſts ſhall be doubled.

IF any Defendant ſhall put in a fourth inſufficient Anſwer, which ſhall be ſo adjudged, ſuch Defendant ſhall be examined upon Interrogatories, and committed, 'til he ſhall perfectly anſwer thoſe Interrogatories, and pay Coſts.

IF the Defendant after Proceſs of Contempt put in an inſufficient Anſwer, which ſhall be ſo adjudged, the Complainant ſhall not be obliged to take out a new Subpœna, but may go on to the Attachment with Proclamation, as if no Anſwer had been put in.

WHERE the Complainant conceives ſufficient Matter to be confeſſed, by the Defendant's Anſwer, he may ſet down the Cauſe for and proceed to Hearing.

NO Defendant ſhall be admitted to put in a Rejoinder, unleſs it be filed at the next Court after Replication put in, but the Complainant may proceed to the Examination of Witneſſes.

AFTER an Attachment with Proclamation returned, no Plea or Demurrer ſhall be received, unleſs by Order of Court, upon Motion.

IF the Complainant conceives any Plea or Demurrer to be naught, either for the Matter, or Manner of it, he may ſet it down, to be argued; or if he thinks the Plea good, but not true, he may take Iſſue upon it, and proceed to Proofs; and if ſuch Plea ſhall be adjudged falſe, the Complainant ſhall have the ſame Advantage as if the ſame Plea were found falſe by Verdict at the Common Law.

IF a Plea be pleaded, or Demurrer put in, and over-ruled, no other Plea or Demurrer ſhall thereafter be received, but the Defendant ſhall anſwer the Allegations of the Bill.

THE Complainant, at the next Court after a Plea or Demurrer put in, may have the ſame ſet down, to be argued, but if the Complainant ſhall not proceed to have the ſame ſo ſet down, at the ſecond Court after Plea or Demurrer put in, the Bill may be diſmiſſed of Courſe, with Coſts.

UPON a Plea or Demurrer argued and over-ruled, Coſts ſhall be paid as where an Anſwer ſhall be adjudged inſufficient, and the Defendant ſhall anſwer at the next Court; but if adjudged good, the Defendant ſhall have his Coſts.

IF any Defendant ſhall obſtinately inſiſt on a Demurrer, and refuſeth to anſwer, where the Court ſhall be of Opinion, that ſufficient Matter is alledged in the Bill to oblige him to anſwer, and for the Court to proceed upon, the Bill ſhall be taken *pro Confeſſo*, and the Matter thereof decreed accordingly.

COMMISSIONS to examine Witneſſes may be awarded by the Court, after Replication filed, the Party taking out ſuch Commiſſion giving the adverſe Party Ten Days Notice of the Time and Place of executing the ſame. Rules for Witneſſes.

AFTER any Bill filed, and before the Defendant puts in his Anſwer, upon Oath made, That any of the Complainant's Witneſſes are aged and infirm, or going out of this Colony, whereby the Complainant thinks he is in Danger of loſing the Benefit of their Teſtimony, the Clerk may iſſue a Dedimus, to take the Examination of ſuch Witneſſes, *de bene eſſe*, giving the Defendant reaſonable Notice, ſo as to be valid if the Complainant has not an Opportunity to take their Examination in the ordinary Courſe of Proceedings.

WHEN

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WHEN any Cause shall be at Issue, and the Examination of Witnesses returned, if the Complainant shall not, at the next Court thereafter, set down the Cause for Hearing; the Defendant may have it set down at his Request.

Summons for Witnesses.

XXVI. AND for better Discovery of the Truth in any Matter whatsoever, depending before the County Court, *Be it further Enacted, by the Authority aforesaid*, That the Clerk of every County, shall and may, and is hereby authorised and impowered, upon Request of either Party, to issue one or more Summons or Summonses for any Person or Persons to attend as Witnesses in any Cause or Matter depending before the County Court, or upon any Survey of Land, which shall be by the Court ordered to be made, expressing in every Summons the Time and Place where the Witnesses are to appear, the Names of the Parties to the Suit or Cause wherein they are to give Evidence, and at whose Request they are summoned; and if any Witness shall be an Inhabitant of another County, the Clerk shall issue Summons, which may be directed to the Sheriff, or any Coroner of that County, where such Witness or Witnesses live, or usually reside, which shall be by such Officer executed and returned to the Office whence the same issued.

Their Allowance.

AND that every Person summoned to appear at any County Court, or upon any Survey of Land, as a Witness, and being an Inhabitant of the same County, shall be paid by the Person or Persons at whose Suit the Summons issued, Twenty Five Pounds of Tobacco for every Day's Attendance upon such Summons; and every Person residing in, and summoned out of another County, shall have the said Allowance of Twenty Five Pounds of Tobacco *per Day*, for Attendance, and be paid for Travelling and Ferriages, to and from Court, as Witnesses in the General Court, to be paid by the Party summoning him or her; which said several Allowances for Attendance, shall be ordered by the Court, upon Motion, and a Copy thereof issued by the Clerk at any Time, upon Request: And if any Person, summoned as aforesaid, shall fail to attend accordingly, he or she, so failing, shall be fined by the Court, to the Party at whose Suit such Summons issued, Three Hundred and Fifty Pounds of Tobacco, and shall also be liable to the Action of such Party, at the Common Law, for his or her Damages; but if the Person so failing, shall, at the Court to which the Summons shall be returnable, or at the next succeeding Court, shew sufficient Cause of his or her Inability to attend at the Time he or she ought to have appeared, then no Fine or Forfeiture shall be incurred by such Failure.

Penalty, if they fail to attend.

Privilege from Arrests, *&c.*

AND that every Witness, during the Time of his or her coming to, attending, or returning from the Court, shall be privileged and free from Arrest or Imprisonment, in the same Manner as Witnesses summoned to the General Court.

AND where any Witness shall be aged, infirm, or going out of this Colony, upon Oath thereof made, the Clerk upon Request of either Party, may issue a Dedimus, to take the Examination of such Witnesses, in the same Manner, and with such Notice, as such Commissions may be issued, executed, and returned, in Proceedings in the General Court.

Appeals.

XXVII. AND for the more regular granting Appeals from any County or inferior Court, to the General Court, *Be it further Enacted, by the Authority aforesaid*, That no Appeal shall be allowed for reversing any Judgment or Decree, given in any County Court, or inferior Court of Record, within this Dominion, in any Action or Suit whatsoever, at Common Law, or in Chancery, where the Debt, or Damage, or other Matter, recovered in such Action or Suit, exclusive of the Costs, shall not exceed Ten Pounds current Money, or Two Thousand Pounds of Tobacco, or the Value thereof, unless in such Suit, the Title or Bounds of Lands shall be drawn in Question.

Not grantable where the Debt or Damage, does not exceed 10 *l.* or 2000 *l.* Tobacco, exclusive of Costs, Except in Titles or Bounds of Land.

AND

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AND that in all Caſes above the Value laſt mentioned, or where the Title or Bounds of Lands ſhall be affected, or controverted, any Party or Parties, conceiving him, her, or themſelves aggrieved by the Judgment or Decree of any County Court, or other inferior Court, may pray an Appeal to the General Court, which ſhall be granted in Manner following, and not otherwiſe, *to wit*,

IF the Defendant, or Tenant, prays an Appeal, he ſhall give Bond with good Security, for proſecuting his Appeal with Effect, and to perform the Judgment of the General Court, and to pay Damages to the Appellee, if the Judgment or Decree of the County Court, or other inferior Court be affirmed.

Defendant, or Tenant, being Appellant ſhall give Bond and Security.

AND if the Plaintiff or Demandant appeals, then the ſpecial Bail, given by the Defendant or Tenant, in the County or inferior Court, ſhall alſo ſtand bound to anſwer the Judgment of the General Court; and ſuch Appellant ſhall give Bond with Security, in the Sum of Twenty Pounds current Money, that he will proſecute his Appeal with Effect; and if he do not appear and proſecute the ſame, his Bond ſhall be forfeited to the Defendant or Appellee.

Rules where the Plaintiff appeals.

XXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Writ or Writs of *Certiorari* ſhall be received or allowed, by the Juſtices of any County Court, or other inferior Court, or to whom any ſuch Writ or Writs ſhall be directed and delivered, after Iſſue or Demurrer joined, in the Cauſe or Cauſes depending in ſuch Court or Courts, and intended to be removed by ſuch Writ or Writs, but they ſhall, and may proceed in ſuch Cauſe or Cauſes, as tho' no ſuch Writ had been ſued forth or delivered to them, or any of them: And if any Cauſe be removed or ſtayed by ſuch Writ, and afterwards the ſame Cauſe ſhall be remanded, or ſent back again, by any Writ of *Procedendo*, or other Writ whatſoever, ſuch Cauſe ſhall never afterwards be removed, or ſtayed before Judgment, by any other Writ or Writs whatſoever, to be ſued forth from the General Court, or Secretary's Office.

Certiorari.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That no Juſtice of Peace, Sheriff, Under-Sheriff, or Clerk of any County Court, ſhall appear or plead as Attorney, for any Perſon or Perſons whatſoever, in the Court of the County whereof he is a Member, Officer, or Clerk, except only, as General Attorney for any Perſon or Perſons not reſiding or being within this Colony, under Penalty of being fined by ſuch Court, in the Sum of Ten Pounds current Money, for every ſuch Offence, to the Uſe of the ſame County, towards leſſening the Levy thereof.

No Juſtice or Officer, ſhall appear as Attorney in the Court whereof he is a Member, or Officer, except for Perſons not in this Colony. Penalty 10 *l.*

XXX. *AND be it further Enacted, by the Authority aforeſaid*, That from Time to Time, for ever hereafter, the Court of every County of this Dominion, ſhall cauſe to be erected, and kept in good Repair, or where the ſame ſhall be already built, ſhall maintain and keep in good Repair, within each reſpective County, and at the Charge of ſuch County, one good and convenient Court-Houſe, of Stone, Brick, or Timber, and one Common Goal, and County Priſon, well ſecured with Iron Bars, Bolts, and Locks, and alſo, one Pillory, Whipping-Poſt, and Stocks; and where Land ſhall not be already provided and appropriated for that Purpoſe, ſuch Court may purchaſe two Acres, whereon to erect the ſaid public Buildings, for the Uſe of their County, and for no other Uſe whatſoever: And to every Court-Houſe already erected and eſtabliſhed, two Acres of the Land built upon and adjacent thereto, not having any Houſe, Orchard, or other immediate Conveniencies thereon, ſhall be and remain appropriated to ſuch Court-Houſe, and the Fee Simple thereof is hereby declared to be in the Court of the ſame County, and their Succeſſors, to the Uſe of ſuch County, as aforeſaid; but where a Court-Houſe is already built in any City, or Town, the Land now laid off for the ſame, and other the public Buildings, ſhall be judged and held to be ſufficient: And if the Juſtices of any County Court ſhall at any Time hereafter

Court-Houſes and public Buildings ſhall be erected, & kept in Repair.

A. D. 1748.

Penalty on Failure of keeping a sufficient Prison, &c.

after fail to keep and maintain a good and sufficient Prison, Pillory, and Stocks, every Member of the Court so failing shall forfeit and pay Five Hundred Pounds of Tobacco, one Moiety to the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Informer, to be recovered with Costs by Action of Debt or Information, in any Court of Record of this Dominion; and moreover, the Court so failing shall be liable to the Action of the Sheriff, from Time to Time, for all Damages recovered against him, upon any Escape, for Want of a sufficient Prison, and such Sheriff, or his Executors or Administrators, shall and may sue for the same by Action of Debt or Information, brought in the General Court against the Justices so failing, or the Survivors of them; and upon Recovery in such Suit, the Judges of the said Court are hereby impowered, and required, to proportion how much every particular Justice of the Court so failing, who shall be then living, and the Executors or Administrators of such as shall be deceased, shall pay respectively, and to enter up Judgment accordingly, whereupon one or more Executions shall and may be issued.

Prison Rules.

XXXI. AND that the Justices of every County shall be, and they are hereby impowered and required, to mark and lay out the Bounds and Rules of their respective County Prisons, not exceeding ten Acres of Land, adjoining to such Prison, which Marks and Bounds shall be recorded, and renewed from Time to Time, as Occasion shall require: And every Prisoner, not committed for Treason, or Felony, giving good Security to keep within the said Rules, shall have Liberty to walk therein, out of the Prison, for the Preservation of his or her Health, and keeping continually within the said Bounds shall be adjudged in Law a true Prisoner: And if the Court of any County shall at any Time think fit, they are hereby authorised and impowered, at the Charge of their County, to cause a Ducking-Stool to be built in such convenient Place as they shall direct.

Ducking-Stool

Repealing Clause.

XXXII. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

XXXIII. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. VIII.

An Act to prevent frivolous and vexatious Suits.

Preamble.

I. FOR Relief of His Majesty's good Subjects against causeless and vexatious Suits, and for the better enabling them to recover their just Rights:

Actions. Where the Plaintiff shall not recover Costs.

II. *BE it Enacted, by the Lieutenant-Governor Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That in all Actions of Assault and Battery, and Slander, commenced and prosecuted in the General Court, if the Jury find under the Sum of Five Pounds, and in the like Actions, commenced and prosecuted in any County Court, if the Jury find under Forty Shillings, the Plaintiff, in either Case, shall not recover any Costs.

Where no more Costs than Damages

III. AND in all Actions of Trespass, and all other Personal Actions, where the Court before whom the Trial shall be, shall not be satisfied, and enter upon the Record, that the Freehold, Title, or Interest of Land, mentioned in the Plaintiff's Declaration, was or might have been in Question, or that the Trespass

was wilful, or malicious, if the Jury find under Forty Shillings, the Plaintiff ſhall not recover more Coſts than Damages: And if more Coſts are awarded, the Judgment ſhall be void, and ſhall be amended, upon a Motion at any Time, by the Court who awarded the ſame, and the Party injured ſhall be redreſſed, as to ſuch Coſts ſo wrongfully awarded, in Caſe the ſame be levied upon him: And where ſeveral Perſons ſhall be made Defendants, in any Action of Treſpaſs, Aſſault, falſe Impriſonment, or Ejectment, and upon the Trial thereof, any one or more of them ſhall be acquitted by Verdict, every Defendant ſo acquitted, ſhall have and recover his Coſts of Suit, in like Manner as if the Verdict had been given againſt the Plaintiff or Plaintiffs, and acquitted all the Defendant's, unleſs the Court before whom ſuch Cauſe ſhall be tried, ſhall be ſatisfied, that there was reaſonable Cauſe for the making ſuch Perſon or Perſons, Defendant or Defendants to ſuch Action, and ſhall order it otherwiſe; and in all Caſes where Judgment ſhall be given for the Defendant, he ſhall recover his Coſts againſt the Plaintiff, and have Execution for the ſame.

Remedy where more Coſts ſhall be awarded.

Where the Defendant ſhall have his Coſts.

IV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to extend to Executors, or Adminiſtrators, in ſuch Caſes where by the Law they are not liable to the Payment of Coſts of Suit.

Exceptions, as to Executors, or Adminiſtrators.

V. *AND be it further Enacted, by the Authority aforeſaid*, That in all Actions where the Plaintiff ſhall die after an interlocutory Judgment, and before final Judgment obtained therein, ſuch Action ſhall not abate if the ſame might be originally proſecuted or maintained by the Executors or Adminiſtrators of ſuch Plaintiff, and if the Defendant die after ſuch interlocutory Judgment, and before final Judgment, ſuch Action ſhall not abate if the ſame were originally maintainable againſt the Executors or Adminiſtrators of ſuch Defendant; but the Plaintiff, or if he be dead after ſuch interlocutory Judgment, his Executors or Adminiſtrators, ſhall and may have a *Scire Facias* againſt the Defendant, if living after ſuch interlocutory Judgment, or if he died after, againſt his Executors or Adminiſtrators, to ſhew Cauſe why Damages in ſuch Action ſhould not be aſſeſſed and recovered by the Plaintiff or Plaintiffs; and if ſuch Defendant, or his Executors or Adminiſtrators, ſhall appear at the Return of ſuch Writ, and not ſhew or alledge any Matters ſufficient to arreſt the final Judgment, or being returned warned, or upon two Writs of *Scire Facias* it be returned, that the Defendant, or his Executors or Adminiſtrators had nothing whereby to be ſummoned, or could not be found in the County, ſhall make Default, a Writ of Inquiry of Damages ſhall be thereupon awarded, which being executed, Judgment final ſhall be given for the ſaid Plaintiff, his Executors or Adminiſtrators, proſecuting ſuch Writ or Writs of *Scire Facias*, againſt ſuch Defendant his Executors or Adminiſtrators; and if there be two or more Plaintiffs, or Defendants, and one or more of them ſhould die, if the Cauſe of Action ſhall ſurvive to the ſurviving Plaintiff or Plaintiffs, or againſt the ſurviving Defendant or Defendants, the Writ or Action ſhall proceed, at the Suit of the ſurviving Plaintiff or Plaintiffs, againſt the ſurviving Defendant or Defendants; and in all Actions real, perſonal, and mixed, if either Party ſhall die between Verdict and Judgment, ſuch Death ſhall not be pleaded in Abatement, but Judgment ſhall be entered as if both Parties were living.

Where Suit ſhall not abate upon the Death of either Party, or Parties.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That in all Actions upon any Bond, or on any penal Sum for non Performance of Covenants, or Agreements, in any Indenture, Deed, or Writing contained, the Plaintiff or Plaintiffs may aſſign as many Breaches as he or they ſhall think fit, and the Jury, upon Trial of ſuch Action or Actions, ſhall and may aſſeſs Damages for ſuch of the Breaches as the Plaintiff ſhall prove to have been broken, and on ſuch Verdict the like Judgment ſhall be entered as heretofore has been uſually done in ſuch Actions; and where Judgment on a Demurrer, or by Confeſſion, or *Nihil Dicit*, ſhall be given for the Paintiff, he may aſſign as many Breaches of the Covenants, or Agreements, as he ſhall think fit, upon which a Jury ſhall be ſummoned, to enquire of the Truth of every

Rules in Actions for Non-performance of Covenants.

A. D. 1748.

every one of those Breaches, and to assess the Damages the Plaintiff shall have sustained thereby, and Execution shall issue for so much; and such Judgment shall remain as a Security to the Plaintiff, his Executors and Administrators, for any other Breaches which may afterwards happen, and he or they may have a *Scire Facias* against the Defendant, and assign any other Breach, and thereupon Damages, shall be assessed and Execution issued as aforesaid; and in all Actions which shall be brought upon any Bond or Bonds, for Payment of Money, wherein the Plaintiff shall recover, Judgment shall be entered for the Penalty of such Bond, to be discharged by Payment of the Principal, and Interest due thereon, and the other Costs of Suit, and Execution shall issue accordingly; or if before Judgment, the Defendant shall bring into Court the Principal and Interest due upon such Bond, he shall be discharged, and in that Case Judgment shall be entered for the Costs only: And in any Action of Debt on single Bill, or in Debt, or *Scire Facias* upon a Judgment, or in Debt upon Bond, if before Action brought, the Defendant hath paid the Principal and Interest due by the Defeasance or Condition, he may plead Payment in Bar.

Actions upon Bonds for Payment of Money.

Debt.

Powers of Attorney to confess Judgment and Release of Error, before Suit brought, void. Attorney appearing under such Power, forfeits 500 *l.* and liable for Damages.

VII. *AND be it further Enacted, by the Authority aforesaid,* That all Powers of Attorney for confessing or suffering Judgment to pass by Default or otherwise, and all general Releases of Error, made or to be made by any Person or Persons whatsoever within this Colony, before Action brought, shall be, and are hereby declared to be absolutely null and void; and if any Attorney, or other Person practising as an Attorney, shall presume to appear under such Power, for any Defendant, in any Court of Record within this Dominion, such Attorney, shall for every such Offence, forfeit and pay Five Hundred Pounds current Money, to such Defendant for his own Use, to be recovered with Costs by Action of Debt or Information, in any Court of Record, and moreover, shall be liable to an Action for Damages, at the Suit of the Party grieved.

Attorney for any Person out of this Dominion shall give Security.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That when any Process shall be sued forth, or any Suit, either in Law or Equity, commenced and prosecuted in any Court of Record, or before any Judge or Magistrate within this Colony, by Virtue of any Letter or Warrant of Attorney, or Letter or Warrant of Substitution, or by Virtue of any other Deputation or Power, from any Person or Persons residing in other Parts than within this Dominion, against any Person or Persons inhabiting here, the Person suing forth such Process, or commencing or prosecuting such Suit, at his first Appearance, or at any Time thereafter, when required, shall give good and sufficient Security with the Clerk of the General Court, or in the Court where such Process shall be sued out, or Suit depending, to satisfy and pay to the Party prosecuted, all such Damages, Costs and Charges, as upon the same Suit shall be awarded to him, her or them, by the Court Judge or Magistrate, before whom the Suit shall be heard and determined; and if such Attorney shall fail to give such Security, being thereunto required, the Suit shall be dismissed, and the Defendant shall have Judgment for his Costs, against such Attorney, and may take Execution thereupon; and moreover, such Attorney shall be liable to the Secretary, County Court Clerk, and Sheriff, or other Officer, for their respective Fees, to be levied upon his Estate, in the same Manner as Officer's Fees are by Law directed to be levied and paid, and also to all Witnesses in such Suit, for their respective Allowances.

Failing so to do liable for all the Costs of Suit.

Rules upon entering Injunctions in Chancery.

IX. *AND be it further Enacted, by the Authority aforesaid,* That before any Injunction in Chancery shall be granted to stay Proceedings at Law, in any Action, Suit or Judgment whatsoever, in any Court of Record in this Colony, if the Court shall not be otherwise satisfied with the Matter of Equity, the Party praying such Injunction shall make Oath, before the Court, or before some Magistrate, of the Truth of the Allegations of his Injunction Bill, which Affidavit shall be certified at the Foot of the Bill, and he, she, or they, shall moreover enter into Bond with one or more sufficient Securities, in the Clerk's Office, for satisfying and paying all such Sums of Money and Tobacco, and Costs, which

shall

shall be then due, or become due to the Plaintiff or Plaintiffs, in the Action, Suit, or Judgment so to be stayed, and also for the Payment of such Costs, as shall be awarded against him, her, or them, in Case the Injunction shall be dissolved. A, D. 1748.

X. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed. Repealing Clause.

XI. *AND be it further Enacted*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. IX.

An Act for Limitation of Actions, and avoiding of Suits.

I. FOR avoiding Law Suits, *Be it Enacted by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted by the Authority of the same*, That all Actions upon the Case, other than for Slander, Actions for Account, other than between Merchant and Merchant, their Factors or Servants, Actions of Trespass, Debt, Detinue, Replevin, and Trespass for breaking the Close, shall be brought within five Years next after Cause of such Action accrued, and not after; Actions of Trespass, for Assault, Battery, Wounding, or Imprisonment, within three Years, and Actions upon the Case for Words, within one Year after the Words spoken, and not afterwards. Actions to be brought within 5 Years. Three Years. One Year.

II. *PROVIDED always*, That if the Party intitled to such Action, be under the Age of Twenty One Years, Feme Covert, *Non Compos mentis*, imprisoned, or out of this Colony, at the Time of Action accrued, such Person may bring Suit within the respective Times herein before limited, after such Disabilities removed; and where in any of the Actions or Suits aforesaid, Judgment shall be given for the Plaintiff, and afterwards reversed by a Writ of Error, or if a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment it be given against him, aud that he take nothing by his Plaint, Writ or Bill: Or if any such Action be brought by Original, and the Defendant thereupon outlawed, and afterwards reverse the Outlawry, in any such Case the Plaintiff, his Heirs, Executors, or Administrators, may commence new Action or Suit, from Time to Time, within one Year after Judgment so reversed or given against him, or Outlawry reversed, and no longer. Persons under legal Disabilities, excepted. In what Cases One Year longer may be allowed.

III. *PROVIDED also*, That where any Defendant shall abscond, or conceal himself, or remove out of this Colony, or out of the County where he lived when Cause of such Action accrued, or shall by any other indirect Means, prevent or hinder the Plaintiff from bringing or maintaining his Action within the Time herein before limited, such Defendant shall not be admitted to plead this Act in Bar. But Persons absconding, or removing, &c. may not plead this Act.

IV. *AND be it further Enacted, by the Authority aforesaid*, That in all Actions of Trespass for breaking the Close, where the Defendant in his Plea shall disclaim to make any Title or Claim to the Land where the Trespass is alledged to be done, and the Trespass is by Negligence, or involuntary, such Defendant shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence, or involuntary, and a Tender or Offer of sufficient Amends for such Trespass, before Action brought, upon some of which the Plaintiff shall join Issue, and if that be found for the Defendant, or the Plaintiff be Non-suit, he shall be barred from the said Action or Actions, and all other Suits concerning the same. Disclaimer.

A. D. 1748.

Repealing Clauſe.

V. *AND be it further Enacted, by the Authority aforeſaid,* That one Act made in the Fourth Year of Queen *Anne*, intituled, *An Act for Limitation of Actions, and avoiding of Suits,* be, and is hereby repealed.

Commencement of this Act.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall commence and be in Force, from and immediately after the Tenth Day of *June*, which ſhall be in the Year of our Lord, One Thouſand Seven Hundred and Fifty One.

CHAP. X.

An Act preſcribing the Method of appointing Sheriffs, and for limitting the Time of their Continuance in Office, and directing their Duty therein.

I. FOR the regular Nomination and Appointment of Sheriffs, within this Colony:

The Method of Recommendation & Appointment of Sheriffs.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That every County Court of this Dominion, ſhall annually, between the laſt Day of *June*, and the laſt Day of *Auguſt*, preſent to the Governor or Commander in Chief of this Colony, for the Time being, a Liſt or Recommendation of three Perſons, named in the Commiſſion of the Peace for their County, one of which Perſons ſo recommended, ſhall thereupon be commiſſioned by the ſaid Governor or Commander in Chief, to execute the Office of Sheriff of that County, for the then next enſuing Year; but if at any Time any County Court ſh ll neglect or refuſe to preſent ſuch Liſt or Recommendation, it ſhall be lawful for the Governor, or Commander in Chief, and he is hereby directed to appoint, and by his Commiſſion conſtitute, any one Perſon nominated in the Commiſſion of the Peace for ſuch County, to be Sheriff thereof; and if any Sheriff, appointed upon Recommendation as aforeſaid, ſhall happen to die in the Time of his Sheriffalty, the Governor, or Commander in Chief may, and is hereby impowered and deſired to appoint one of the Survivors, recommended with the Perſon deceaſed, to be Sheriff in his Room; and when a Sheriff, appointed upon Neglect of Recommendation, happens to die in his Office, any Perſon in Commiſſion of the Peace for ſuch County, may and ſhall be commiſſioned in his Stead.

And where a Sheriff dies in his Office.

Time of Continuance in Office.

II. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon ſhall be compellable to ſerve as Sheriff, longer than one Year only; but the Governor, or Commander in Chief may, if he thinks fit, continue any Sheriff in his Office two Years, next ſucceeding each other, and ſuch Perſon may accept and execute the ſame two Years ſucceſſively, and no longer: And every Perſon accepting a Sheriff's Commiſſion, ſhall, before his being ſworn into, or executing his Office, enter into Bond, before the Juſtices of his County Court, with two good and ſufficient Sureties at the leaſt, in the Sum of One Thouſand Pounds current Money, for his true and faithful Performance of his Office; which Bond and Sureties every County Court reſpectively, is hereby impowered and required, to demand, take, and cauſe to be acknowledged before them in open Court, and recorded: And if any Perſon now appointed, or hereafter to be appointed purſuant to this Act, ſhall refuſe to accept and execute ſuch Commiſſion to him directed, he ſhall forfeit and pay Twenty Pounds current Money, to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of the County wherein ſuch Refuſal ſhall be, towards leſſening their County Levy, to be recovered with Coſts, by Action of Debt or Information, in any Court of Record of this Dominion, except the Perſon refuſing, ſhall declare upon Oath, before his or the next adjacent County Court, "That he hath uſed his beſt Endeavours, truly and *bonâ fide*, "without

Sheriff ſhall give Bond & Security, before ſworn in.

Fine on Refuſal to ſerve.

Exception.

"without Covin or Collusion, to get Security for Performance of the said Office, "and that he cannot obtain such Security": Which Oath such County Court, upon Application to them made, is hereby impowered and required to administer, and cause to be recorded; and thereupon such Person shall not be liable to any Forfeiture for his Refusal, but a new Commission shall and may issue, appointing another Sheriff in his Stead, in the same Manner as if such Person were naturally dead: And no Person who hath once served as Sheriff, or paid his Fine, shall be liable to any further Forfeiture, until every Justice, other than a Burgess, in Commission of the Peace for that County, shall have actually served as Sheriff, or paid his Fine, or discharged himself upon Oath in Manner aforesaid. Persons serving once, or paying the Fine, excused 'til all the rest in Commission have served, or fined.

III. *PROVIDED always*, That every Member of the House of Burgesses, in this present or any future General Assembly, during the Time of his being a Burgess, shall be exempted from being made or appointed Sheriff, and from all Fines and Forfeitures by this Act inflicted for Refusal thereof. Burgesses exempted from being Sheriffs.

IV. *AND be it further Enacted, by the Authority aforesaid*, That every Sheriff himself, or by his lawful Officers or Deputies, shall from Time to Time execute all Writs, and other Process to him legally issued and directed, within his County, or upon any Bay, River, or Creek adjoining thereto, and shall make due Return thereof, under Penalty of forfeiting One Thousand Pounds of Tobacco, for every Failure, one Moiety to his Majesty, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Party grieved, to be recovered with Costs, by Action of Debt, or Information, in any County Court of this Colony; and such Sheriff shall be further liable to the Action of the Party grieved, at the Common Law, for his or her Damages: And for every false Return the Sheriff shall forfeit and pay Three Thousand Pounds of Tobacco, to be recovered, divided, and applied, in the same Manner as last mentioned, and shall also, in like Manner, be liable to the Party grieved, for Damages: And no Sheriff shall return, upon any Writ to him directed, that the Defendant is not found in his Bailiwick, unless such Sheriff or his Officer shall have actually been at the Dwelling House or Place of Abode of such Defendant, and not finding him, shall have there left an attested Copy of the same Writ, or Process; and where any Defendant shall be a known Inhabitant of another County, and not of the County of that Sheriff to whom the Process shall be directed, such Sheriff shall return the Truth of the Case, but not that the Person is not found in his County, and thereupon such Process issued from any County Court Clerk's Office, as to such Defendant, shall abate and be dismissed. Sheriff shall execute Process, & make Return. Penalty on failing to execute. On a false Return. Rules for Returns where the Defendant is not found.

V. *PROVIDED always*, That it shall not be lawful for any Sheriff, or other Officer, to execute any Writ or Process upon the Lords Day, commonly called *Sunday*, nor upon any Person attending his Duty at any Muster of the Militia, or any Election of a Burgess, or Burgesses; and that all Process so executed shall be illegal and void, unless the same be issued against any Person or Persons for Treason, Felony, Riot, Breach of the Peace, or upon an Escape out of Prison, or Custody, and such Process shall and may be executed at any Time or Place. Process executed on a *Sunday*, void. Or at Musters, or Elections of Burgesses. Except in Criminal Cases, or Escapes.

VI. *AND be it further Enacted, by the Authority aforesaid*, That it shall not be lawful for any Sheriff, or his Officer or Deputy, to take any Obligation of, or for any Person or Persons in his Custody, for or concerning any Matter relating to his Office, otherwise payable than to himself, as Sheriff, and dischargeable upon the Prisoner's Appearance, and rendring himself at the Day and Place required in the Writ whereupon he was or shall be taken, or arrested: And that every Obligation by any Sheriff taken in other Manner or Form, by Colour of his Office, shall be null and void, except in any special Case any other Obligation is or shall be by Law particularly and expresly directed: And that no Sheriff of any County within this Dominion shall demand, or take any other or greater Fee or Reward whatsoever, nor shall have any Allowance, Reward, or Satisfaction What Obligations the Sheriff may take of Persons in Custody. His Fees, Public or Private.

A. D. 1748.

Satisfaction from the Public, for any Service or Business by him done, other than the Allowances given and provided by Law, from Time to Time, in the Table of Sheriff's Fees; and that all Services not there expresly enumerated, and provided for, shall be by him done *ex Officio*.

Sheriff shall be Collector of Quit-Rents, Public, and County Levies.

VII. *AND be it further Enacted, by the Authority, aforesaid*, That every Sheriff, when required by the Governor's Warrant for that Purpose, shall collect the Quit-Rents due to his Majesty, in his County; and shall also receive and collect the Public and County Levies; and shall duly pay and satisfy all such Quit-Rents, and Levies, to the Receiver General, and the Public or County Creditors, respectively, at the Time or Times which now are, or hereafter shall be, by Law limited from Time to Time.

How he shall account, and pay.

VIII. AND whereas some Sheriffs, and others Collectors, of Levies, have discover'd some Tithables not inlisted, and have demanded and received the Levies for them, and retained the same to their own Use: *Be it therefore Enacted, by the Authority aforesaid*, That all Sheriffs and Collectors shall hereafter account, on Oath, for all such Levies by them received, to the respective County Courts, or Vestries, as the Case may be, which shall be applied towards lessening the Levy of such County, or Parish.

Collector of Quit-Rents, or Levies, may distrain.

What shall be liable to Distress.

If no Replevin by Payment in 5 Days, shall be sold, by Auction.

Method and Time of Sale.

IX. *AND be it further Enacted*, That where any Person or Persons holding Lands of his Majesty, shall fail to satisfy and pay the Quit-Rents due for the same; or, where any Person or Persons shall be indebted for Public, County, or Parish Levies, and shall not discharge the same, within the Time limited by Law for the Payment thereof, it shall be lawful for the Sheriff, or Collector of such Quit-Rents, or Levies, or either of them, to distrain any of the Slaves, Goods, or Chattels, which shall be found upon the Lands, or in the Possession of the Person so indebted, or failing, notwithstanding such Slaves, Goods, or Chattels shall be comprised in any Deed of Mortgage: And if the Owner thereof shall not pay the Quit-Rents, or Levies due, within Five Days after such Distress, such Sheriff, or Collector, shall and may lawfully sell, by Auction, the Slaves, Goods, and Chattels distrained, or so much thereof as shall be sufficient to satisfy the said Quit-Rents, or Levies, and the Charges of Distress and Sale: But shall give Notice of the Day and Place of Sale, at the Church of the Parish wherein such Distress shall be, by setting up a Note thereof, before the Service begins, at some convenient or usual Place near such Church, and by publishing the same in the Church-Yard, immediately after Divine Service, on the next *Sunday* after the Expiration of the said Five Days: Which Sale shall not be in less than Three, nor more than Six Days, after Notice so given, and shall be good and effectual in Law, against all and every Person and Persons whatsoever, claiming or pretending to claim any Right, Title, or Interest, in, or to any of the said Slaves, Goods, or Chattels.

Penalty on Officers making unreasonable Seisure, or distraining Slaves where other Distress can be had.

X. *PROVIDED always*, That no Sheriff, or other Officer, nor any Collector of Levies, or Officers Fees, shall at any Time make or take unreasonable Seisures or Distresses, or seise or distrain the Slave, or Slaves of any Person, for any Quit-Rents, or for any Public, County, or Parish Levies, or for any Officers Fees, if other sufficient Distress can be had, upon Penalty of being liable to the Action of the Party grieved, grounded upon this Act, wherein the Plaintiff shall recover his full Costs, altho' the Damages given do not exceed Forty Shillings.

Sheriff indemnified from involuntary Escapes.

XI. AND whereas the Situation of most Prisons in this Colony hath given Opportunities to evil disposed Persons to break open the same, and turn out Debtors, and others in Custody, to the Hindrance of Justice, Prejudice of Creditors, and Ruin of Sheriffs, who have been compelled to pay the Debts with which such Persons stood charged: For Remedy thereof, *Be it further Enacted, by the Authority aforesaid*, That no Judgment shall be entered against any Sheriff, or other Officer, in any Suit brought upon the Escape of any Debtor in his or their Custody,

tody, unleſs the Jury, who ſhall try the Iſſue, ſhall expreſly find, that ſuch Debtor, or Priſoner, did eſcape with the Conſent, or through the Negligence of ſuch Sheriff, or his Officer or Officers, or that ſuch Priſoner might have been retaken, and that the Sheriff and his Officers neglected to make immediate Purſuit. *A. D.* 1748.

XII. AND for the more effectual retaking and ſecuring Perſons who eſcape out of Priſon, *Be it further Enacted, by the Authority aforeſaid*, That if any Perſon committed, rendred, or charged, in Cuſtody, in Execution, or upon meſne Proceſs, to any County Priſon, ſhall thence eſcape, it ſhall and may be lawful to and for any Juſtice of the Peace, in the County where ſuch Priſoner was in Cuſtody, upon Oath of ſuch Eſcape before him made, by the Sheriff, Under-Sheriff, Goaler, or other credible Perſon, to grant unto any one demanding the ſame, one or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Mayors, Bailiffs, Conſtables, and Headboroughs within this Colony and Dominion, reciting, the Cauſe of ſuch Priſoner's Commitment, and Time of his or her Eſcape, and commanding them and every of them, in their reſpective Counties, Cities, Towns, and Precincts, to ſeiſe and retake ſuch Priſoner ſo eſcaped, or going at large, and being ſo retaken, forthwith to convey and commit to the Priſon where Debtors are uſually kept, in the County where ſuch retaking ſhall be, there to be kept in ſafe Cuſtody, until he or ſhe be thence diſcharged by due courſe of Law: Which Warrant the Sheriff is hereby required to obey, and to receive the Priſoner into his ſafe Cuſtody, and to give a Note to the Perſon or Perſons delivering him or her, certifying his Receipt of ſuch Priſoner; and ſhall alſo make Return of the Execution of ſuch Warrant, to the Court of the County from whence the Priſoner eſcaped: And if he or ſhe was there in Cuſtody charged in Execution, then the ſaid Sheriff ſhall ſafely keep him, or her, without Bail or Mainprize, until he or ſhe ſhall make full Payment and Satisfaction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whoſe Name ſuch Execution was ſued out, or until the Judgment or Judgments obtained againſt him, or her, ſhall be reverſed, or diſcharged by due Courſe of Law; and if ſuch Priſoner ſhall have been in Cuſtody upon meſne Proceſs, in any Action of Debt, or upon the Caſe, the Sheriff to whom he, or ſhe, ſhall be ſo recommitted, ſhall in like Manner keep ſuch Priſoner in his ſafe Cuſtody, and make Return of the Execution of the Warrant by which he, or ſhe, was retaken, to the Court of that County wherein he, or ſhe, was firſt arreſted, and thereupon it ſhall be lawful for the ſaid Court, upon the Plaintiff's or Creditor's filing his Declaration, to proceed and give Judgment thereon, according as the Truth of the Caſe ſhall appear to them, in the ſame Manner as if the Defendant had appeared in the ſaid Court and refuſed to plead, unleſs ſuch Defendant ſhall cauſe ſpecial Bail to be entered in the ſaid Court, and ſhall immediately plead to Iſſue, and then, upon Certificate under the Hand of the Clerk of the ſaid Court, that ſuch Bail is given, delivered to the Sheriff in whoſe Cuſtody ſuch Defendant then ſhall be, it ſhall be lawful for the ſaid Sheriff to ſet at large ſuch Priſoner, and not otherwiſe: But where any Priſoner eſcaped and retaken, upon ſuch Warrant as aforeſaid, ſhall thereafter be charged with Treaſon, Felony, or other Crime, or Cauſe, in behalf of his Majeſty, his Heirs or Succeſſors, for which he, or ſhe, ought to be tried in the General Court, or Court of *Oyer and Terminer*, and ſhall be for ſuch Cauſe removed to the Public Goal of this Colony, every ſuch Priſoner ſhall be charged in the ſaid Public Goal with all the Cauſes wherewith he or ſhe ſtood charged in the Priſon from whence he or ſhe was ſo removed, until he, or ſhe, be thence delivered by due Courſe of Law, in like Manner as is herein before directed.

Proceſs againſt a Priſoner eſcaped.

Eſcape Warrant.

Return thereof, upon retaking, & Proceeding thereupon.

XIII. AND whereas Felons, and other Criminals, committed to the County Priſons, in order to their Examination, or Removal to the Public Goal, and Slaves committed for Capital Crimes, conſcious of their Guilt, are moſt likely to break Priſon and eſcape: For Prevention thereof, *Be it further Enacted, by the Authority aforeſaid*, That where any Perſon or Perſons, accuſed of Treaſon, Felony, or other Capital Crime, ſhall be committed to any County Goal, and the Sheriff

A. D. 1748.

Sheriff may impreſs a Guard for ſecuring Criminals in Goal.

ſhall have Cauſe to ſuſpect, ſuch Perſon will attempt to eſcape, ſuch Sheriff is hereby impowered and required to impreſs a ſufficient Guard, for ſecuring ſuch Priſoner or Priſoners, ſo long as he, ſhe, or they continue in the ſaid Goal, at the Charge of, and to be levied on ſuch County, and to be repaid by the Public, in the ſame Manner as the Charges of ſummoning, and holding Courts for the Examination of Criminals.

XIV. AND for removing all Controverſies touching the Manner of turning over Priſoners, upon a Sheriff's quitting his Office.

Method of turning over Priſoners, by the Sheriff to his Succeſſor.

XV. *BE it further Enacted, by the Authority aforeſaid,* That the Delivery of Priſoners, by Indenture between the old Sheriff and the new, according to the Practice in *England*, or the entering upon Record in the County Court, the Names of the ſeveral Priſoners, and Cauſes of their Commitment, delivered over to the new Sheriff, ſhall be ſufficient to diſcharge the late Sheriff, from all Suits or Actions, for any Eſcape that ſhall happen afterwards.

Sheriff may diſtrain for Arrears of public Debts, due to his Predeceſſors.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That where any Arrears of Quit-Rents, Levies, or Officers Fees, are or ſhall be due, from any Perſon or Perſons whatſoever, and the Sheriff to whom the ſame ought to have been paid, dies, or is removed from his Office, it ſhall be lawful for the ſucceeding Sheriff, or Sheriffs, to make Diſtreſs for the ſame, upon the Slaves, Goods, or Chattels, of the Perſon or Perſons ſo chargeable, and to make Sale thereof, in the Manner by this Act before directed, to be accounted for and paid by ſuch Sheriff, to his Majeſty's Receiver-General, Public, County, or Pariſh Creditors, or ſuch other Perſon or Perſon to whom ſuch Arrears ſhall be due: And that every Sheriff ſhall have and retain, for all Tobacco due for Public, County, or Pariſh Levies, Quit-Rents, Secretary's, or other Officers Fees, put into his Hands to collect, an Allowance of Six *per Centum*, for collecting and paying the ſame.

Sheriffs Allowance for collecting public Debts.

Sheriff of *James* City may ſummon Jurors in *Williamſburg*.

XVII. *AND be it further Enacted, by the Authority aforeſaid,* That the Sheriff of the County of *James-City*, for the Time being, and his Under-Sheriffs and Deputies, and every of them, ſhall be and are hereby impowered, and authoriſed, to ſummon Jurors of the Inhabitants of *James-City* County, in all and every Part of the City of *Williamſburg*, as well in that Part lying in *York*, as in *James-City*, to ſerve on Juries on the Days appointed for holding Courts in the ſaid County of *James-City*.

Repealing Clauſe.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That all and every other Act and Acts, Clauſe and Clauſes heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed.

Commencement of this Act.

XIX. *AND be it further Enacted,* That this Act ſhall commence and be in Force from and immediately after the Tenth Day of *June*, which ſhall be in the Year of Our Lord One Thouſand Seven Hundred and Fifty One.

CHAP. XI.

An Act concerning Juries.

I. FOR the more regular Inquiry into the Breaches of penal Laws, and Trials of Matters of Fact, in the ſeveral Courts of Juſtice within this Dominion, by Grand Juries, and Petit Juries: *Be it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That every County Court ſhall cauſe Twenty Four Freeholders of their County, not being Ordinary-keepers, Conſtables,

ſtables, Surveyors of Highways, or Owners or Occupiers of a Mill, to be ſummoned to appear in *May* and *November* Courts, annually, out of which ſhall be impanelled a Grand Jury of Fifteen, at leaſt, who ſhall be ſworn to enquire into the Breach of Penal Laws, and make Preſentment of the Offenders, but ſhall preſent ſuch Offences and Breaches only, as ſhall be committed within the Space of Twelve Months before the Time of ſuch Preſentment, and no longer, unleſs the ſame be otherwiſe directed by Law; and ſuch Grand Jury having preſented all ſuch Matters as come to their Knowledge, ſhall be diſcharged, always obſerving, that when they make Preſentment upon Information of any other Perſon than themſelves, to write the Names of the Informers, under ſuch Preſentment, for the more effectual Proſecution thereof; and every ſuch Grand Jury ſhall and may preſent, and the ſeveral County Courts ſhall have full Power and Authority to hear and determine, all Offences made penal by the Laws of this Colony, altho' the Recovery of the Fines for ſuch Offences ſhall be otherwiſe directed by the Laws inflicting the ſame, and altho' the Forfeiture or Penalty thereby inflicted ſhall not amount to Twenty Five Shillings current Money, or Two Hundred Pounds of Tobacco: And if any Freeholder, being ſummoned, ſhall fail to appear as aforeſaid, ſo as no Grand Jury can be impanelled, he ſhall be fined by the Court, Four Hundred Pounds of Tobacco to the King, his Heirs and Succeſſors, for the Uſe of the ſame County, unleſs legal Cauſe of Non-Appearance be ſhewn, and allowed at the next Court held for ſuch County; and if the Court of any County ſhall fail to order a Grand Jury to be ſummoned as aforeſaid, or upon the Appearance of Fifteen, ſhall omit to ſwear a Grand Jury, every Member of ſuch Court, ſhall forfeit and pay, Four Hundred Pounds of Tobacco; and if any Sheriff, upon Order of Court, ſhall fail to ſummon Twenty Four Freeholders, and return a Pannel of their Names to *May* and *November* Courts, annually, he ſhall forfeit and pay One Thouſand Pounds of Tobacco, both which laſt mentioned Penalties ſhall be to the King, his Heirs and Succeſſors, for the Uſe of the County wherein the ſame ſhall be forfeited, aud recoverable by Information in the General Court of this Dominion.

A. D. 1748. Grand Juries to be ſummoned to every County Court, in *May* and *November*. Their Duty in preſenting Offenders againſt penal Laws. How Preſentments ſhall be made and determined. Fines on Jurors not appearing. On Courts not ordering Summons. On a Sheriff not executing Summons, & returning a Pannel.

II. *AND be it further Enacted, by the Authority aforeſaid*, That when any Offence or Offences ſhall be preſented by the Grand Jury of any County, and the Penalty or Forfeiture by Law inflicted thereon, ſhall not exceed Five Pounds current Money, or One Thouſand Pounds of Tobacco, be it to the King and Informer, or to the Informer or Party only, or appropriated to any other Uſe whatſoever, ſuch Preſentment need not be drawn up in other Form, than as the ſame ſtands preſented by the Grand Jury; and thereupon the Court ſhall order a Summons forthwith to iſſue, to ſummon any Perſon or Perſons, ſo preſented, to appear and anſwer ſuch Preſentment, at the next Court, and ſhall not admit of any Exception or Pleading to the Form or Manner thereof, but ſhall proceed to Trial, without the Formality of a Jury, and give Judgment upon ſuch Preſentment, according as the very Right of the Cauſe and Matter in Law ſhall appear unto them; and if the Party ſummoned fails to appear, the Court may give Judgment for the Penalty.

Method of proſecuting Preſentments, where the Penalty does not exceed 5 *l.* or 1000 *l.* Tobacco.

III. AND for Preſentments to be made at the General Court, *Be it further Enacted, by the Authority aforeſaid*, That the Sheriff or Officer attending the ſaid Court, ſhall ſummon a Grand Jury of the Byſtanders, being Freeholders, who ſhall and may, and are hereby declared to have full Power to make Preſentments of any Offences whatſoever, committed within this Colony, except ſuch only, where the Penalty inflicted by the Law in Force, is under Twenty Shillings, or Two Hundred Pounds of Tobacco; and the Court ſhall have Power to hear and determine ſuch Offences, in the ſame Manner as is herein before directed in the County Courts: And to the End ſuch Grand Juries may be of the moſt capable Perſons, it ſhall be lawful for the ſaid Court, upon the firſt or ſecond Day of their Sitting to make a Rule for the Officer attending the Court, to ſummon twenty four Perſons for a Grand Jury; and if any Perſon ſo ſummoned, ſhall fail to appear and attend ſuch Court, he ſhall be fined Four Hundred Pounds of Tobacco, to the

Grand Juries at the General Court. Not to preſent Offences under 20 *s.* or 200 *l.* Tobacco.

A. D. 1748. the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof.

Rule in Presentments.

IV. *PROVIDED always*, That no Grand Jury shall make any Presentments of their own Knowledge, upon the Information of less than two of their own Body.

Sheriff shall summon Jurors at every Court.

V. *AND be it further Enacted, by the Authority aforesaid*, That for the Trial of all Causes, except Treason and Felony, both in the General Court, and County Court, the Sheriff or Officer, attending such Court, shall, every Day the Court sits, summon a sufficient Number of the Bystanders, qualified as hereafter is directed, to attend the Court that Day, that out of them may be impanelled sufficient Juries, for the Trial of Causes depending in such Court; and if any Person so summoned, shall fail to attend the Court accordingly, he shall be fined Four Hundred Pounds of Tobacco, to the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof.

Fine if they neglect to attend.

Qualifications of Jurors.

VI. *AND be it further Enacted, by the Authority aforesaid*, That no Person shall be capable to be of a Jury, for Trial of Treason, Felony, Breach of the Peace, Misprision of Treason, Breach of penal Law, or any other Pleas of the Crown, or of any Estate of Freehold, or Estate or Title in or to Lands, Tenements, or Hereditaments, in any Court of Record of this Dominion, or to be a Juror in any Cause whatsoever, depending in the General Court, unless such Person be a Freeholder, and possessed of a visible Estate, real and personal, of the Value of One Hundred Pounds current Money, at the least; and that no Person shall be capable to be of a Jury for Trial of any Cause whatsoever, in any County Court, unless he be possessed of a visible Estate, real or Personal, of the Value of Fifty Pounds at least: And that no Sheriff or Officer shall at any Time summon, or return, any Juror not qualified as this Act directs: *Provided always*, That no Exceptions against any Juror on Account of his Estate shall be allowed, after he is sworn.

In the General Court.

In County Courts.

But shall not be challenged for Want of Estate, after sworn.

Repealing Clause.

VII. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. XII.

An Act declaring the Law concerning Executions; and for Relief of insolvent Debtors.

Preamble.

I. WHEREAS by the Common Law of *England*, and divers Acts of Parliament, which are binding upon the Subjects of this Colony, all Persons recovering any Debt, Damages, or Costs, by the Judgment of any Court of Record, may at their Election, prosecute Writs of *Fieri Facias, Elegit*, and *Capias ad Satisfaciendum*, within the Year, for the taking the Goods, Lands, or Body of the Person or Persons against whom such Judgment is obtained, To the End the said several Writs issuing out of any of the Courts of Record within this Dominion, and the Manner of executing and returning the same, may be uniform, and the Mischiefs arising from the incorrect Forms, and insufficient Returns of such Writs prevented.

II. BE

A. D. 1748.

II. *BE it Enacted and Declared, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the several Writs aforesaid, shall be issued in the King's Name, and in the Manner following: That is to say, All such Writs issued from the Secretary's Office shall bear Test by the Governor, or Commander in Chief of this Dominion for the Time being, and shall be returnable to the Eighth, or Twenty Third Day, of the next succeeding General Court; and all such Writs issued from the Clerk's Office of any County Court, or other inferior Court of Record, shall bear Test by such Clerk, and be returnable to his next succeeding Court; so that there be always at least Fifteen Days between the Test and Return of each of the Writs aforesaid, but if the Plaintiff in any County Court, or other inferior Court, shall desire an Execution to issue returnable at a further Day, the Clerk shall issue the same accordingly, so as the Day of such Return be upon a Court Day, within Ninety Days next after the Test thereof: And that the Forms of the said several Writs shall be as follows, *Mutatis Mutandis, to wit.*

Writs of Execution, How to be issued, and returned. 15 Days, at least, between the Test and Return, or more, if the Plaintiff desires it, but not exceeding 90 Days. Forms of the Writs.

A *Fieri Facias*, in Debt.

Against Goods and Chattels. Debt.

GEORGE *the Second, by the Grace of God, of* Great-Britain, France, *and* Ireland, *King, Defender of the Faith,* &c. *To the Sheriff of County, Greeting: We command you, that of the Goods, and Chattels, of* A. B. *late in your Bailiwick, you Cause to be made the Sum of which* C. D. *lately, in our General Court, hath recovered against him for Debt; also, the Sum of which to the said* C. D. *in the same Court, were adjudged for his Damages, as well by Reason of detaining the said Debt, as for his Costs in that Suit expended, whereof he is convicted, as appears to us of Record: And that you have the said before the Justices of our said Court, the Day of to render to the said* C. D. *of the Debt and Damages aforesaid, and have there then this Writ. Witness,* &c.

The same, in Case upon a Promise.

Case, Assumpsit.

——As before, unto——*For his Damages, which he sustained, as well by Reason of his not performing a certain Promise, and Assumption, to the said* C. D. *by the said* A. B. *lately made, as for his Costs by him about his Suit in this Behalf expended:* &c.——

In Trespass.

Trespass.

——As before, unto——*For Damages, as well by Occasion of a certain Trespass by the said* A. B. *to the said* C. D. *offered, as for his Costs,* &c.

If for the Defendant, say,

For the Defendant.

——*For his Costs about his Defence, in a certain Action at the Suit of the said,* &c.

In Covenant.

Covenant.

——As before, unto——*For Damages,* &c.——*by Occasion of the Breach of a certain Covenant between the said* A. B. *and* C. D. *lately made,* &c.

The Form of a Writ of *Elegit*.

Against Lands & Tenements.

GEORGE &c.——*Greeting: Whereas* A. B. *at our General Court,*——&c.——, *before our Justices held, hath recovered against* C. D. *the Sum of which to the said Plaintiff was adjudged for a certain Debt——or Damages——as before——, and the said* A. B. *by the Statute in that Case made and provided, hath chosen to have delivered to him, all the Goods and Chattels of the said* C. D. *besides the Oxen and Beasts of his Plough, and also a Moiety of his Lands and*

A. D. 1748.

and Tenements in your Bailiwick: To Have and to Hold, the Goods and Chattels aforesaid, as his own proper Goods, and the said Moiety, as his Freehold, to him and his Assigns, until he shall have levied thereof the Debt and Damages aforesaid: Therefore we command you, that you cause to be delivered, all the Goods and Chattels of the said C. D. *besides the Oxen and Beasts of his Plough, and also a Moiety of all his Lands and Tenements in your Bailiwick, whereof he, at the Day of obtaining the said Judgment, was seised, or at any Time afterwards, by reasonable Price and Extent: To Have and to Hold, the said Goods, and Chattels, to him the said* A. B. *as his own proper Goods, and Chattels, and the said Moiety as his Freehold, to him and his Assigns, according to the Form of the Statute aforesaid, until he shall have levied thereof the Debt and Damages aforesaid: And that you certify our said Justices, under your own Seal, and the Seals of those by whose Oaths you shall make this Extent, and Appraisement, how you execute this Writ, the Day of and have then there this Writ,* &c.

A *Capias ad Satisfaciendum.*

Against the Body.

GEORGE &c. *Greeting: We command you, That you take* A. B. *late of if he be found within your Bailiwick, and him safely keep, so that you have his Body before our Justices of our General Court,* &c.——*the Day of to satisfy* C. D. *the Sum of which the said* C. D. *hath recovered against him for Debt, also,* &c. as before——

In Case, Trespass, or Covenant, as in the *Fieri Facias.*

Forms of the Returns.

WHICH said Writs, so issued, shall be executed by the Sheriff, or other Officer, or Minister, to whom the same shall be directed, and shall be returned according to the respective Forms hereafter mentioned, *to wit.*

The Return of a *Fieri Facias.*

Fieri Facias, executed.

BY Virtue of this Writ to me directed, I have caused to be made the within mentioned Sum of of the Goods, and Chattels of the within named A. B. *which said Sum of before the Justices within mentioned, at the Day and Place within contained, I have ready as that Writ requires.*

Or,

Where no Goods.

THE within named A. B. *hath no Goods, or Chattels, within my Bailiwick, whereof I can make the Sum within mentioned.*

Or,

Where Part is levied.

BY Virtue, &c. *I have caused to be made of the Goods and Chattels of the within named* A. B. *the Sum of which I have ready to render to the within named* C. D. *in Part of the Debt and Damages within mentioned: And I do further certify, that the said* A. B. *hath no more Goods and Chattels within my Bailiwick, whereof at present I can make the Residue of the said Debt and Damages, as by the said Writ is required.*

Return of a Writ of *Elegit.*

Elegit, executed.

ss. *INQUISITION indented, taken at in the County aforesaid, the Day of in the Year of our Lord before me* E. F. *Gent. Sheriff of the County aforesaid: By Virtue of a Writ of our Lord the King, to me directed, and to this Inquisition annexed, and by the Oath of* G. H. I. K. &c. *good and lawful Men of my Bailiwick, who being charged and sworn, upon their Oath do say, that* A. B. *in the said Writ to this Inquisition annexed, named, the Day of the Caption of this Inquisition was possessed of the Goods and Chattels following, as of his own proper Goods,* viz. *of the Price of which I, the said Sheriff, have caused*

caused to be delivered to the same C. D. *to Hold to him as his own proper Goods and Chattels, in Part of Satisfaction of his Debt and Damages aforesaid, in the said Writ mentioned; and further, the said Jurors upon their Oath do say, that the said* A. B. *at the Time of rendering the Judgment aforesaid, was seised in his Demesne, as of Fee, of and in*——(here name the Houses and Lands)——*with the Appurtenances, of the annual Value, in all the Issues beyond Reprises, of Pounds, Acres of which, or thereabouts, are a true and equal Moiety of all and singular the Lands, Tenements, and Hereditaments whatsoever, in the County aforesaid, of the said* A. B. *Which said Moiety, I the said Sheriff, the Day aforesaid, to* C. D. *in the said Writ named, at a reasonable Extent have delivered, to Hold to him and his Assigns, as his Freehold, according to the Form of the Statute in that Case made and provided, until he shall have levied the Residue of the Debt and Damages aforesaid: And further, the said Jurors upon their Oath do say, that the said* A. B. *at the Time of giving the Judgment aforesaid, had not, nor at the Day of taking this Inquisition hath, any other or more Goods or Chattles, Lands or Tenements, in the County aforesaid, to the Knowledge of the Jurors aforesaid. In Testimony whereof, as well I the said Sheriff, as the Jurors aforesaid, to this Inquisition have severally put our Seals, the Day, Year, and Place, above mentioned.* A. D. 1748.

Return of a *Capias ad Satisfaciendum.*

BY Virtue of this Writ to me directed, I have taken the within named A. B. *whose Body, before the Justices within named, at the Day and Place within contained, I have ready, to satisfy* C. D *of the Debt and Damages within mentioned, as within to me is commanded.* *Capias* executed.

Or,

THE within named A. B. *is not found in my Bailiwick.* Not executed.

III. AND whereas before the Statute made in the Twenty First Year of the late King *James* the First, it hath been questioned, if any Person being in Prison, charged in Execution by Reason of any Judgment given against him, should happen to die in Execution, Whether the Party at whose Suit such Person stood charged in Execution, at the Time of his Death, were not for ever concluded and barred, to have Execution of the Lands and Goods of the Person so dying? And least any Person of Sufficiency in real and personal Estate, intending to deceive others of their just Debts, for which he stands charged in Execution, should obstinately and wilfully choose rather to live and die in Prison, than to make any Satisfaction to his Creditors: *Be it further Enacted, by the Authority aforesaid,* That the Party or Parties at whose Suit, or to whom any Person shall stand charged in Execution, for any Debt or Damages recovered, his or their Executors or Administrators, may after the Death of the Person so dying in Execution, lawfully sue forth and have new Execution against the Lands and Tenements, Goods and Chattels, or any of them, of the Person so deceased.

If a Debtor dies in Prison, Creditors may have new Execution against his Estate.

IV. *PROVIDED always,* That this Act shall not extend to give Liberty to any Person or Persons, their Executors or Administrators, at whose Suit any such Party shall be, and die in Execution, to have, or take any new Execution against any the Lands, Tenements, or Hereditaments of such Party dying in Execution, which shall at any Time after the said Judgment, or Judgments, be by him sold, *bonâ fide*, for the Payment of any of his Creditors, at whose Suit he shall be in Execution, and the Money paid, or secured to be paid, to any such Creditors, with their Privity, in Discharge of his or their Debts, or some Part thereof.

Debtor may sell his Lands, for the Benefit of such Creditors at whose Suit he is in Execution.

V. AND for the better Direction of Clerks in the issuing of Executions, *Be it further Enacted, by the Authority aforesaid,* That when any Writ of Execution

Rules in issuing the Writs.

A. D. 1748.

Execution ſhall iſſue, and the Party at whoſe Suit the ſame is iſſued, ſhall afterwards deſire to take out another Writ of Execution, at his own proper Coſts and Charges, the Clerk may iſſue the ſame, if the firſt Writ be not returned and executed; and where upon a *Capias ad Satisfaciendum*, the Sheriff ſhall return, That the Defendant is not found, the Clerk may iſſue a *Fieri Facias*; and if upon a *Fieri Facias* ſhall return, That the Party hath no Goods, or, That only Part of the Debt is levied, in ſuch Caſe, it ſhall be lawful to iſſue a *Capias ad Satisfaciendum*, upon the ſame Judgment; and ſo where Part of a Debt ſhall be levied upon an *Elegit*, a new *Elegit* ſhall iſſue for the Reſidue; and where *Nibil* ſhall be returned upon any Writ of *Elegit*, a *Capias ad Satisfaciendum* or *Fieri Facias*, may iſſue, and ſo *vice verſâ*; and where one Judgment is obtained againſt ſeveral Defendants, Execution thereon ſhall iſſue as if it were againſt one Defendant, and not otherwiſe.

VI. AND whereas by the Common Law, if a Creditor take Execution upon any Judgment or Statute, and the Debtor ſhall before make Alienation of Part of his Lands, and ſuch Lands be omitted out of the Extent, the whole Execution may be avoided by *Audita querela*, and thereby the Party extending may loſe his Coſts, and be delayed of his juſt Debt; and ſo again, upon a new Extent, *toties quoties*: And if any one Acre of Land happen to deſcend to an Infant, the whole Execution muſt be deferred till the full Age of ſuch Infant; and if afterwards other Part of the Lands or Tenements, liable for ſuch Debt, ſhall deſcend to another Infant, then further Delay will happen during that Infancy alſo; for Remedy of which Inconveniencies and Delays,

No Extent ſhall be avoided by Omiſſion of Part of the Land extendible.

VII. *IT is hereby further Enacted and declared*, That when any Judgment, Statute, or Recognizance ſhall be extended, the ſame ſhall not be avoided or delayed, by Occaſion that any Part of the Lands or Tenements extendible, are or ſhall be omitted out of ſuch Extent.

Saving Remedy of Contribution.

VIII. SAVING always to the Party and Parties whoſe Lands ſhall be extended, his and their Heirs, Executors and Aſſigns, his and their Remedy for Contribution againſt ſuch Perſon and Perſons, whoſe Lands are, or ſhall be omitted out of ſuch Extent, from Time to Time.

Infant's Lands excepted.

IX. *PROVIDED nevertheleſs*, That this Act, or any Thing therein contained, ſhall not be conſtrued to give any Extent or Contribution, againſt any Heir within the Age of One and Twenty Years, during ſuch Minority of ſuch Heir, for, or in Reſpect of any Lands to ſuch Heir deſcended, further or otherwiſe than might have been made before the making of this Act.

Officer ſhall endorſe the Time of receiving Writs of Execution.

X. *AND be it further Enacted, by the Authority aforeſaid*, That no Writ of *Fieri Facias*, or other Writ of Execution, ſhall bind the Property of the Goods againſt which ſuch Writ is ſued forth, but from the Time that ſuch Writ ſhall be delivered to the Sheriff, Under-Sheriff, Coroner, or other Officer, to be executed; and for the better Manifeſtation of the ſaid Time, ſuch Sheriff, Coroner, or other Officer, his Deputy, or Agent, ſhall, upon the Receipt of any ſuch Writ, without Fee for doing the ſame, endorſe upon the Back thereof, the Day of the Month, and Year, when he received the ſame; and if two or more Writs ſhall be delivered againſt the ſame Perſon, in the ſame Day, that which was firſt delivered ſhall be ſatisfied firſt.

Writs firſt delivered, ſhall be firſt ſatisfied.

Rules in executing a *Fieri Facias*.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That when any Sheriff, or other Officer, ſhall take the Goods or Chattels of any Perſon whatſoever, by virtue of any Writ of *Fieri Facias*, and the Owner of ſuch Goods and Chattels ſhall not, within Five Days after ſuch taking, ſatisfy the Party ſuing out ſuch Writ, his Debt, Damages, and Coſts, ſuch Sheriff, or Officer, ſhall, and may lawfully ſell, by Auction, the Goods and Chattels ſo taken, or ſo much thereof as ſhall be ſufficient to ſatisfy the Judgment, for the beſt Price that can be got

for

for the ſame; but ſhall give Notice of the Time and Place of ſuch Sale, at the Church of the Pariſh where ſuch Goods ſhall be taken in Execution, by ſetting up a Note thereof, before the Service begins, in ſome convenient or uſual Place near ſuch Church, and by publiſhing the ſame in the Church-Yard, immediately after Divine Service, upon the next *Sunday*, after Expiration of the ſaid five Days; which Sale ſhall be made the third Day after ſuch Notice given, and not ſooner. *A. D.* 1748.

XII. *PROVIDED always*, That if the Owner of ſuch Goods and Chattels ſhall give ſufficient Security to ſuch Sheriff, or Officer, to have the ſame Goods and Chattels forthcoming at the Day of Sale, it ſhall be lawful for the Sheriff, or Officer, to accept ſuch Security, and to ſuffer the ſaid Goods and Chattels to remain in the Poſſeſſion, and at the Riſque of ſuch Debtor, until the Time aforeſaid, and if then ſuch Owner ſhall tender to the Sheriff, or Officer, the Debt, Damages and Coſts, for which his Goods and Chattels were ſo taken, ſuch Sheriff, or Officer ſhall accept the ſame, and reſtore the ſaid Goods to the Owner.

Officer may accept Security for Goods ſeiſed, 'til the Day of Sale.

Payment before Sale, diſcharges the Goods.

XIII. *PROVIDED alſo*, That where any Execution ſhall be ſerved upon the Goods or other Eſtate of the Debtor, if ſuch Debtor ſhall, within five Days or at the Time of Sale, tender ſufficient Sureties approved by the Creditor, to be bound with him, to pay the Money, or Tobacco, for which Execution was ſo ſerved, and all Coſts, with lawful Intereſt for the ſame, to ſuch Creditor within three Months, then the Sheriff or Officer ſhall reſtore to ſuch Debtor the Goods or Eſtate ſo taken; and where no ſuch Security ſhall be offered, and the Goods or other Things taken in Execution cannot be ſold for Three Fourths of their Value, at the leaſt, in the Opinion of the Sheriff, or other Officer, he may ſet up and ſell the ſame for Money, or for Tobacco, if the Judgment be for Tobacco, to be paid at the End of three Months, and ſhall take Bond of the Buyer or Buyers, with one or more ſufficient Sureties, to pay the ſame accordingly, with Intereſt, to ſuch Creditor.

Or, Security to pay in three Months.

Where Goods taken, cannot be ſold for ¾ of their Value, Officer may ſell ſuch upon three Months Credit.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Bond and Bonds, ſo taken in Purſuance of this Act, ſhall mention, That the ſame was, or were entred into for Goods or other Eſtate, taken in Execution and reſtored to the Debtor, or ſold to the Obligor, as the Caſe ſhall be, and before the Expiration of the ſaid three Months, ſhall be returned, by the Sheriff or Officer taking the ſame, to the Office of the Clerk of the Court from whence the Execution iſſued, there to be ſafely kept, and ſhall have the Force of Judgments; and if the Money or Tobacco ſhall not be paid, according to the Condition of any ſuch Bond, it ſhall be lawful, and full Power and Authority is hereby given to the Juſtices of the Court where ſuch Bond ſhall be lodged, upon Motion of the Party to whom the ſame is payable, to award Execution thereupon, with Coſts; provided the Obligors have Ten Days Notice of ſuch Motion: And upon ſuch Execution, the Sheriff or Officer ſhall not take any Sureties for Payment of the Money or Tobacco, at a further Day, but ſhall levy the ſame immediately: And for the better Direction of ſuch Sheriff or Officer, the Clerk ſhall endorſe upon the Back of every ſuch Execution, That no Security is to be taken.

Proceedings upon Bonds taken in Purſuance of this Act.

XV. *PROVIDED always*, That nothing in this Act contained ſhall be conſtrued to extend to any Execution upon any Judgment obtained againſt a Sheriff, or other Collector of Levies or Officers Fees, for any Debt, due to any Public or County Creditor, or for Secretary's, County Court Clerk's, Surveyor's or other Officer's Fees, put into his Hands to collect, but ſuch Executions ſhall and may be proceeded upon immediately, and no Security ſhall be taken, or further Time allowed, any Thing in this Act to the contrary notwithſtanding.

Executions againſt Collectors of public Debts, excepted out of this Act.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That no Sheriff, or other Officer, to whom any Writ of *Fieri Facias* ſhall be directed, ſhall

In what Caſes Slaves may not be ſeiſed.

A. D. 1748.

ſhall take in Execution any Slave or Slaves, unleſs the Debt and Coſts, mentioned in ſuch *Fieri Facias*, ſhall amount to the Sum of Ten Pounds, or Two Thouſand Pounds of Tobacco, provided there be ſhewn to ſuch Sheriff, or Officer, by the Defendant or any other Perſon, ſufficient other Goods or Chattels of ſuch Defendant, within the Bailiwic or Liberty of ſuch Sheriff or Officer, upon which he may levy the Debt and Coſts, mentioned in ſuch *Fieri Facias*: And that no Collector of any Officer's Fees, or of Public, County, or Pariſh Levies, ſhall ſeiſe or make Diſtreſs upon the Slave or Slaves of any Perſon, for ſuch Fees or Levies, if other ſufficient Diſtreſs can be had: And that no Sheriff, or other Officer, or Collector of Fees or Levies, ſhall make or take unreaſonable Seiſures or Diſtreſſes: And if any Sheriff, or other Officer, or Collector, as aforeſaid, ſhall act contrary hereto, ſuch Sheriff, Officer, or Collector, ſhall be liable to the Action of the Party grieved, grounded upon this Act, wherein the Plaintiff ſhall recover his full Coſts, altho' the Damages do not exceed Forty Shillings.

Penalty for making unlawful Seiſure.

No Execution or Diſtreſs for Tobacco, between 30th *September* and 31ſt *December*.

XVII. *AND be it further Enacted, by the Authority aforeſaid,* That no Execution ſhall be levied, nor Diſtreſs made for Tobacco, between the laſt Day of *September*, and the laſt Day of *December* in any Year.

Proceſs againſt Officer not paying Monies by him levied.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That if any Sheriff, or other Officer, or Miniſter, ſhall make Return upon any Writ of *Fieri Facias*, That he hath levied the Debt, Damages, and Coſts, as in ſuch Writ is required, or any Part thereof, and ſhall not immediately pay the ſame, to the Party to whom the ſame is payable, or his Attorney, the Clerk of the Court out of which ſuch Writ iſſued is hereby required, upon Requeſt of the Party, to iſſue a *Scire Facias* againſt ſuch Sheriff, or Officer, to have Execution againſt him, for the Money ſo by him levied.

The Manner of executing a Writ of *Venditioni exponas*.

XIX. AND if the Goods taken by any Sheriff, or other Officer, or Miniſter as aforeſaid, or any Part thereof, ſhall remain in his Hands for Want of Buyers, he ſhall make Return accordingly, and thereupon the Writ of *Venditioni exponas* ſhall iſſue, to ſuch Sheriff, Officer, or Miniſter directed, according to the Form following.

Form of the Writ.

GEORGE &c. *Greeting: We command you, That you expoſe to Sale thoſe Goods and Chattels of* A. B. *to the Value of* *which according to our Command, you have taken into our Hands, and which you detain for Want of Buyers, as you have certified to our Juſtices of our Court, to ſatisfy* C D *the Sum of* *whereof in our ſaid Court he hath recovered Execution againſt the ſaid* A. B. *by Virtue of a Judgment in the ſaid Court: And that you have,* &c.

AND thereupon ſuch Sheriff, or Officer ſhall diſpoſe of ſuch Goods and Chattels in any Manner, either for ready Money, or upon Credit, as he and the Party proſecuting ſuch Writ ſhall think beſt.

Method of iſſuing Execution againſt Defendant in another County.

XX. *AND be it further Enacted, by the Authority aforeſaid,* That where Judgment ſhall be obtained in any County Court, or other inferior Court of Record, for any Debt or Damages, and the Perſon, againſt whom ſuch Judgment ſhall be obtained, ſhall remove himſelf and his Effects, or ſhall reſide out of the Limits of the Juriſdiction of ſuch Court, it ſhall be lawful for the Clerk of the Court where Judgment was given, at the Requeſt of the Party for whom the ſame was rendred, to iſſue any Writ of *Fieri Facias*, or *Capias ad Satisfaciendum*, in the Form, and under the Teſt herein before preſcribed, and to direct the ſame to the Sheriff of any County within this Dominion, where the Defendant, or Debtor, or his Goods ſhall be found; which ſaid Sheriff, or other Officer to whom the ſame ſhall be directed, is hereby impowered and required to ſerve and execute the ſame, and ſhall make Return thereof to the Court where the Judgment was given, in the Manner herein before preſcribed and directed.

XXI. *AND*

A. D. 1748.

XXI. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons, taken or charged in Execution, shall enter into Bond with good and sufficient Securities, under a reasonable Penalty, upon Condition, That he, or they, shall not depart or go out of the Rules or Bounds of the Prison to which he, or they, shall be committed, it shall be lawful for the Sheriff, or Officer, in whose Custody such Prisoner or Prisoners shall be, to permit him or them to go out of the Prison, and return at their Pleasure. Where Prisoners may have Liberty of the Rules.

XXII. AND whereas it is not reasonable or just, that by the Practice or Contrivance of any Debtors, their Creditors should be defrauded of their just Debts, and nevertheless it hath often so happen'd that several Persons, having by Bonds, or other Specialties, bound themselves and their Heirs, and afterwards died, seised of, and in Messuages, Lands, Tenements, and Hereditaments, have, to the defrauding such their Creditors, by their last Wills and Testaments, devised the same, or so disposed thereof, that such Creditors have lost their just Debts: For Remedy thereof, and that it may not be in the Power of Heirs at Law, to avoid the Payment of the just Debts of their Ancestors, by selling, aliening, or making over, any Lands, Tenements, or Hereditaments, liable to such Debts, before any Process be sued out against them.

XXIII. *BE it further Enacted, by the Authority aforesaid,* That One Act of Parliament, made in the Third Year of the Reign of the late King *William* and Queen *Mary*, intituled, *An Act for the Relief of Creditors, against fraudulent Devises,* shall be, and is hereby declared to be in Force, within this Colony and Dominion. The Statute for Relief of Creditors against fraudulent Devises, enacted.

XXIV. AND for relief of insolvent Debtors, who shall be taken in Execution, and to prevent the long Imprisonment of unfortunate People, which can be no Benefit, but may be rather a Disadvantage to their Creditors: *Be it further Enacted, by the Authority aforesaid,* That if any Person or Persons now are, or hereafter shall be, taken or charged in Execution, and shall have remained in Prison by the the Space of Twenty Days, it shall be lawful for any Justice or Justices of the Peace, of any County, City, Town, or Liberty, within this Colony, upon Petition of such Prisoner or Prisoners, by Warrant under his, or their Hands and Seals, to require the Sheriff, Goaler, or Keeper, of any Prison within their respective Jurisdictions, to bring before the Justices, at the next Court held for such County, City, Town, or Liberty, the Body of any Person being in Prison as aforesaid, together with a List of the several Executions, with which he, or she, is charged in the said Goal; which Warrant every such Sheriff, Goaler, or Keeper, is hereby commanded to obey; and Notice thereof shall be given to the Party or Parties, his, or their Executors, Administrators, or Agents, at whose Suit such Prisoner shall be in Execution; and such Prisoner coming before the Justices, shall in open Court, subscribe and deliver in a Schedule of his whole Estate, and make Oath, and swear to the Effect following, That is to say. The Method of insolvent Debtors Discharge.

I A. B. *do, upon my corporal Oath, in the Presence of Almighty God, solemnly swear, profess, and declare, That the Schedule, now delivered and by me subscribed, doth contain, to the best of my Knowledge and Remembrance, a full, just, true, and perfect Account, and Discovery, of all the Estate, Goods, and Effects, unto me any ways belonging, and such Debts as are to me owing, or to any Person in Trust for me, and of all Securities and Contracts, whereby any Money may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Use, or to any other Person or Persons in Trust for me; and that I, or any other Person or Persons in Trust for me, have not Land, Money, Stock, or any other Estate, real or personal, in Possession, Reversion, or Remainder, of the Value of the Debt or Debts, with which I am charged in Execution; and that I have not, directly or indirectly, sold, lessened, or otherwise disposed of in Trust, or concealed, all, or any Part of my Lands, Money, Goods, Stock, Debts, Securities, Contracts, or Estate, whereby to secure* Prisoner's Oath.

A. D. 1748.

cure the ſame, to receive, or expect, any Profit or Advantage thereof, or to defraud or deceive, any Creditor or Creditors, to whom I am indebted, in any wiſe howſoever.

So help me God.

WHICH Schedule, being ſo ſubſcribed, in the Preſence of the Juſtices, in open Court, is to remain with the Clerk of the Court, for the better Information of the Creditors of ſuch Priſoners.

How ſuch Debtor's Eſtate ſhall be diſpoſed of.

XXV. *AND be it further Enacted, by the Authority aforeſaid,* That all the Lands, Tenements, and Hereditaments, which ſhall be contained in ſuch Schedule, for ſuch Uſe, Intereſt, Right, or Title, as ſuch Priſoner or Priſoners, then ſhall have in the ſame, which he, or ſhe, may lawfully depart withal, and alſo, all Goods, and Chattels whatſoever, in ſuch Schedule contained, ſhall be veſted in the Sheriff of the County wherein ſuch Lands, Tenements, Hereditaments, Goods, or Chattels ſhall lie, or be found; and ſuch Sheriff is hereby authoriſed, impowered, and required, to ſell and convey the ſame, to any Perſon or Perſons whatſoever, for the beſt Price that can be got for the ſame, and the Money ariſing by ſuch Sale, ſhall be by ſuch Sheriff or Officer, paid to the Creditor or Creditors, at whoſe Suit ſuch Priſoner, or Priſoners ſhall be impriſoned; ſaving to every ſuch Priſoner, his, or her neceſſary Apparel, and Utenſils of Trade.

Priſoner's Diſcharge.

Sheriff indemnified.

XXVI. AND that after delivering in ſuch Schedule, and taking ſuch Oath, as aforeſaid, it ſhall be lawful for the Juſtices of the ſaid Courts, by their Order, to command the Sheriff, Goaler, or Keeper of any Priſon, within their reſpective Juriſdictions, forthwith to ſet at Liberty ſuch Priſoner: Which Order ſhall be ſufficient to diſcharge and indemnify ſuch Sheriff, or Officer, againſt any Eſcape or Eſcapes, Action or Actions whatſoever, which ſhall or may be brought or proſecuted, againſt him or them by Reaſon thereof; and if any Action ſhall be commenced againſt any Sheriff, or Officer, for performing his Duty in Purſuance of this Act, he may plead the General Iſſue, and give this Act in Evidence.

But Creditor may afterwards have Execution againſt ſuch Debtor's Eſtate.

XXVII. *PROVIDED always,* That notwithſtanding ſuch Diſcharge, it ſhall be lawful for any Creditor or Creditors, at whoſe Suit ſuch inſolvent Priſoner was impriſoned, at any Time afterwards to ſue out a Writ of *Scire Facias*, to have Execution againſt any Lands or Tenements, Goods or Chattels, which ſuch inſolvent Perſon ſhall thereafter acquire, or be poſſeſſed of.

Inſolvent Debtors Priſon Fees to be paid by the County, for the firſt 20 Days. Afterwards by the Creditor; if he refuſes Sheriff may releaſe his Priſoner.

XXVIII. *AND be it further Enacted, by the Authority aforeſaid,* That where any Perſon now is, or hereafter ſhall be committed, for any Debt, or Damages whatſoever, and ſhall not be able to ſatisfy and pay, his, or her ordinary Priſon-Fees, ſuch of the ſaid Fees as ſhall become due for the Firſt Twenty Days Impriſonment, ſhall be diſcharged by the County; and the Sheriff, or Goaler, may demand and recover of the Party or Parties, at whoſe Suit ſuch inſolvent Perſon ſhall be impriſoned, all ſuch Fees as ſhall become due after the the Expiration of the ſaid Twenty Days, until the Creditor ſhall agree to releaſe ſuch Priſoner: And if the Creditor, upon Notice thereof given to him or her, his, or her Attorney, or Agent, ſhall refuſe to give Security to the Sheriff, or Goaler, for Payment of ſuch Priſon-Fees, or ſhall fail to pay the ſame when demanded, either in Tobacco, or Money at the Rate of Ten Shillings *per* Hundred, it ſhall and may be lawful for the Sheriff, or Goaler, to diſcharge ſuch Debtor out of Priſon. *Provided nevertheleſs,* That ſuch inſolvent Priſoner ſhall be afterwards liable to the Action of the Creditor, to recover ſuch Fees; and ſuch Creditor ſhall and may, notwithſtanding his Conſent to the releaſing ſuch Priſoner, at any Time afterwards, ſue out a *Scire Facias*, to have new Execution againſt the Lands and Tenements, Goods and Chattels, of ſuch Priſoner, in Caſe he, or ſhe, ſhall afterwards become poſſeſſed of any.

But Creditor may recover ſuch Fees of the Debtor.

XXIX. *AND*

A. D. 1748.

XXIX. *AND be it further Enacted, by the Authority aforesaid,* That where any Writ of Execution shall, after the passing of this Act, be sued out upon any Judgment, Decree, or Recovery, had, or to be had, or obtained, in any Court of Record of this Dominion, for *Sterling* Money, the Sheriff or Officer, to whom such Writ shall be directed, shall Levy the same in Current Money, at the Rate of Twenty Five *per* Cent, Advance upon the *Sterling*, for a Difference of Exchange, and not otherwise.

Executions for *Sterling*, shall be levied in current Money, at 25 *per* Cent. Exchange.

XXX. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Repealing Clause.

XXXI. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One.

Commencement of this Act.

CHAP. XIII.

An Act Directing the Method of Trial of Criminals for Capital Offences; and for other Purposes therein mentioned.

I. FOR establishing one certain and uniform Method for the Trial of Criminals, for Capital Offences, *Be it Enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That when any Person, not being a Slave, shall at any Time hereafter, be committed to any County Goal, by Precept from a Justice of the Peace, for any Criminal Offence, such Justice shall forthwith issue his Warrant, to the Sheriff of his County, requiring him to summon the Justices of the same County, to meet at their Court-House, on a certain Day in such Warrant to be appointed, not less than Five, nor more than Ten Days after the Date thereof, to hold a Court for Examination of the Prisoner, and of the Witnesses, and Circumstances of the Fact, wherewith he, or she stands charged, and to consider, whether, as the Case shall appear to them, he, or she, may be discharged from further Prosecution, or may be tried in the County, or must be removed from thence, to be tried in the General Court, or Court of *Oyer and Terminer*: Which Warrant the Sheriff is hereby required to obey, and execute, and by Virtue thereof the said Justices shall and may lawfully meet, and hold Court for the Purposes aforesaid; and if upon Examination before such Court, they shall be of Opinion, that the Prisoner ought to be tried before the General Court, or Court of *Oyer and Terminer*, they shall enter such their Opinion upon Record, and remand the Prisoner to the County Goal; and thereupon it shall be lawful for any Two Justices of the said Court whereof one shall be of the Quorum, by Warrant under their Hands and Seals, directed to the Keeper of the Public Goal, to remove such Prisoner, and him, or her to commit to the said Public Goal, there to be safely kept, until he, or she, be thence delivered, by due Course of Law: By Virtue of which Warrant, the Sheriff shall, as soon as he conveniently may, remove such Prisoner, and deliver him, or her, together with such Warrant, to the Keeper of the said Goal, for the Time being, who is hereby required to receive such Prisoner, and him, or her, in his safe Custody to keep, pursuant to such Warrant, to him directed: And for the better enabling the Sheriff safely to convey, and deliver such Prisoner, or Prisoners, it shall be lawful for the said Two Justices, by Warrant under their Hands and Seals, to impower the Sheriff, as well in his own County, as in all other Counties, and Places he shall pass through, with such Prisoner or Prisoners, to impress such and so many Men, Horses, Sloops, or Boats, as shall be necessary for the safe conveying him, her,

Method of Proceeding against Criminals, not being Slaves committed by a Justice.

A Court to be summoned.

Commitment to the Public Goal.

A. D. 1748.

Sheriff may impress necessary Assistance.

Proceedings where the Fact may be tried in the County.

her, or them, to the Public Goal aforesaid: Which Warrant the Sheriff, or Officer, is hereby authorised and impowered to execute, and all Persons are required to give due Obedience thereto; such Sheriff, or Officer, proceeding therein as the Law directs, upon impressing in other Cases for the Public Service: But where the Court held for Examination of any such Prisoner, as aforesaid, shall be of Opinion, that the Fact may be tried in the County, in such Case, he, or she, shall be bound over to the next Grand Jury Court, to be held for that County, for Trial, or upon refusing to give sufficient Bail, shall be remanded to the County Goal, there to remain until such Court, or until he, or she, shall be bailed.

Prisoner may be bailed, if legally bailable.

II. *PROVIDED always*, That where any Person, under Criminal Prosecution, is by Law bailable, he, or she, shall not be removed from the County, to the Public Goal, in less than Twenty Days after Recommitment, or being remanded as aforesaid, but shall and may be admitted to Bail within that Time, or at any Time afterwards before Trial.

Witnesses to be bound to appear.

Prisoner may have his Witnesses summoned.

III. *AND be it further Enacted, by the Authority aforesaid*, That upon every Commitment of any Person for any Capital or Criminal Offence, the Justice, or Justices committing him, or her, shall cause all the Witnesses to enter into Recognizance for their Appearance, to give Evidence at the Trial: And if upon the First Commitment, the Prisoner shall desire any Witnesses on his, or her Behalf to appear, before the Court to be held for his, or her Examination, the Sheriff, upon Request, shall forthwith summon such Witnesses to attend the said Court; and if after being remanded, or committed to the Public Goal, the Prisoner shall desire any Witness, or Witnesses to be summoned, the Sheriff, or Goaler, shall immediately give Notice thereof to the County Court Clerk, or to the Clerk of the Secretary's Office, as the Case shall require, who shall thereupon forthwith issue one or more Subpœnas, for such Witnesses to appear, and give Evidence at the Trial.

Public Goaler may impress a Guard.

Prison Fee for keeping a Prisoner.

Criminal's Estate liable to defray the Costs of Prosecution.

IV. *AND be it further Enacted, by the Authority aforesaid*, That when any General Court, or Court of *Oyer and Terminer*, shall be sitting, it shall be lawful for the Keeper of the Public Goal, by Order of such Court, to impress a Guard for the safe keeping all such Prisoners in his Custody, and that the Fee due to the Sheriff, or Public Goaler, for keeping and dieting any such Prisoner, shall be Five Pounds of Tobacco *per* Day, and no more: And where the Criminal shall be convicted, and hath Estate sufficient to defray the Charge of Prosecution, the whole shall be paid out of the Delinquent's Estate, and the County, and Public, only then chargeable, where no Estate, or not sufficient, can be found or discovered.

Grand Jurors at the Court of *Oyer and Terminer*.

V. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful for the Sheriff of the County of *York*, and the Sheriff of the County of *James City*, for the Time being, upon Writs to them directed out of the Secretary's Office: Which Writs the Clerk of the said Office is hereby impowered and required to issue, Six Days, at least, before the Day of holding every Court of *Oyer and Terminer*, to summon, each of them, Twelve good and lawful Men, being Freeholders of their respective Counties, to appear, and attend, at such Court of *Oyer and Terminer*; Which Twenty-Four Freeholders, or so many of them as shall appear, shall be of a Grand Jury, and it shall be lawful for such Grand Jury to enquire of, and present, all Treasons, Felonies, and other Offences, cognizable by the Justices of *Oyer and Terminer*, which shall have been committed, or done, in any County or Counties, within this Colony of *Virginia*; and if any of the Freeholders, so summoned, shall fail to appear, and attend the said Court, it shall be lawful for the Justices thereof, to Fine every Freeholder, so failing, not exceeding Four Hundred Pounds of Tobacco.

Fine, if they fail to appear.

VI. *AND*

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VI. *AND be it further Enacted, by the Authority aforesaid*, That when any Person shall be committed to the Public Goal of this Colony, for Treason, or Felony, for which such Person may be tried before the Court of *Oyer and Terminer*, or before the General Court, the Sheriff, or other Officer bringing such Person to the Public Goal, shall immediately give Notice to the Clerk of the General Court, for the Time being, of such Commitment, and the Cause thereof, and the Parish and County where the Fact, for which such Person was committed, shall be alledged to be done; and thereupon the said Clerk shall issue a Writ, directed to the Sheriff of the County where such Fact was committed, thereby commanding him to cause to come, Twelve good and lawful Freeholders of his County, residing as near as may be to the Place where the Fact is alledged to have been committed, before the Justices of *Oyer and Terminer*, on the First Day of that Court, or the Justices of the General Court, on the Sixth Day thereof, then next coming, and to return a Panel of their Names; Which Twelve Freeholders so returned, or so many of them as shall appear, not being challenged, together with so many other good and lawful Freeholders of the By-standers, as shall make up the Number of Twelve Men, shall be, and are hereby declared to be a lawful Jury, for the Trial of any Person or Persons, indicted of Treason, or Felony, committed or done in any County or Counties of this Colony, before the Justices of the Court of *Oyer and Terminer*, and the Justices of the General Court, respectively: And every Venire Man, so summoned, appearing and attending such Court, shall be intitled to the same Allowance for Travelling and Attendance, as by Law is provided for Witnesses at the General Court: And if any Person so summoned, and returned on the Panel to serve on the Petit Jury, before the Justices of *Oyer and Terminer*, shall fail to appear and attend, it shall be lawful for the Justices of the said Court, to fine every Person so failing, not exceeding Four Hundred Pounds of Tobacco: Which said Fines, herein before mentioned, shall be to our Sovereign Lord the King, his Heirs and Successors, for the better Support of the Government of this Colony, and the contingent Charges thereof.

Notice of Commitments to the Public Goal.

Venire, for 12 Jurors of the Vicinage.

Venire Man's pay.

Fine, on Failure of Appearance.

VII. *AND be it further Enacted, by the Authority aforesaid*, That in all Trials for Capital Offences, the Prisoner, upon his Petition to the Court, shall be allowed Counsel; and that no Person shall be qualified to be of the Petit Jury, for the Trial of Treason, Felony, or other Criminal Offence, in the Court of *Oyer and Terminer*, who shall not be a Freeholder, and possessed of an Estate, real and personal, of the Value of One Hundred Pounds current Money, at the least: But no Exception taken to a Juryman for the Insufficiency of his Estate, shall be allowed, unless the same be made before he is sworn of the Jury; And if any Challenge shall be made for the King, of any of the Twelve Jurors, so as aforesaid returned by the Sheriff of the County where the Fact is alledged to be done, good Cause of such Challenge shall be shewn.

Prisoner may have Counsel.

Qualification of a Juror.

Insufficiency of Estate no Cause of Challenge after a Juror is sworn.

Challenge for the King shall be upon good Cause.

VIII. BUT forasmuch as the summoning Twelve Freeholders, from the County where the Fact is committed, is very burthensome and expensive to the Public, as well as grievous to many of his Majesty's Subjects, who live in the remote Counties, and most of the Felonies and other Capital Offences committed in this Colony, are perpetrated and done by Persons who have been convicted of Felony, or other Crimes in *Great-Britain*, or *Ireland*, and there sentenced to be transported for the same, and it can be no Benefit to such Persons, who are commonly Servants, and little known in the Neighbourhood where they live, to have a Jury of the Vicinage, but they may be as fairly and impartially tried by a Jury of the By-standers: *Be it therefore further Enacted, by the Authority aforesaid*, That when any Person, charged with a Capital Offence, shall be examined before the Court for that Purpose to be summoned and held, such Court shall have full Power and Authority to inquire, by such Means as they shall think necessary, whether such Person has been convicted in *Great-Britain*, or *Ireland*, of any Felony, or other Crime, and there sentenced to be transported for the same, and whether the Time for which such Person was sentenced to be transported, be expired,

Rules in Trials of Convicts, for Capital Offences.

A. D. 1748.

expired, and if it ſhall appear to ſuch Court, that the Criminal has been ſo convicted and ſentenced, and that the Term of Tranſportation is not expired, the Court ſhall cauſe the ſame to be recorded, and the Clerk of the Court ſhall certify ſuch Record, upon the Back of the Warrant of Commitment to the Public Goal, and upon ſuch Certificate, ſo endorſed, the Clerk of the General Court ſhall not iſſue any Writ to ſummon a Jury of Freeholders of the County where the Fact is alledged to be committed, but ſuch Perſon ſhall be tried by a Jury of the By-ſtanders, in the General Court, or Court of *Oyer and Terminer*.

PROVIDED nevertheleſs, That no Perſon ſhall be qualified to be of ſuch Jury, unleſs he be a Freeholder, and poſſeſſed of an Eſtate, real and perſonal, of the Value of One Hundred Pounds current Money, at leaſt.

AND that upon every ſuch Trial, the Priſoner ſhall have Benefit of Challenges, and all other Advantages, which he, or ſhe, might or could have, if the Trial was by a Jury of the Vicinage.

Where Felons convict ſhall have the Benefit of Clergy, without reading.

IX. AND for ſettling the Law, in Relation to the Benefit of Clergy, to be allowed to Felons Convict, *It is hereby further Enacted, and Declared*, That where by any Act of the Parliament of *England*, made before the Fourth Year of the Reign of the late King *James* the Firſt, the Benefit of Clergy is taken away from any Offence, the ſame ſhall be adjudged to be taken away from the like Offence committed in this Colony, in reſpect to Principals, and Acceſſories, ſtanding mute, or challenging a greater Number of the Jury than the Law allows; and that where a Man, convicted of Felony, may demand the Benefit of his Clergy, if a Woman be convicted of the ſame, or the like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death ſhall not be given againſt her, upon ſuch Conviction, nor Execution awarded upon any Outlawry for ſuch Offence, but ſhe ſhall ſuffer the ſame Puniſhment, as a Man ſhould ſuffer, that has the Benefit of Clergy allowed him, in the like Caſe: That is to ſay, Shall be burnt in the Hand by the Jaylor, in open Court, and ſhall be afterwards dealt with, as a Man in like Caſe might be: And if any Perſon be convicted of a Felony, for which he ought to have the Benefit of Clergy, and ſhall pray to have the Benefit of this Act, he ſhall not be required to read, but without any Reading ſhall be allowed, taken, and reputed to be, and puniſhed as a Clerk Convict, which ſhall be as effectual to all Intents and Purpoſes, and as Advantageous to him, as if he had read as a Clerk, any Law, or Statute, to the Contrary, notwithſtanding.

Convicts under Sentence of Tranſportation, free Negroes, Mulattos, and Indians, ſhall not be Witneſſes, except for or againſt Convicts, Negroes, &c.

X. AND whereas Convicts, as well as Negroes, Mulattos, and Indians, are commonly of ſuch baſe and corrupt Principles, that their Teſtimony cannot be depended upon: To prevent the Miſchiefs which may happen, by admitting ſuch precarious Evidence, *Be it further Enacted, by the Authority aforeſaid*, That no Perſon convicted, and ſentenced to Tranſportation, as is herein before recited, ſhall be admitted in any Court of this Colony, or before any Juſtice of Peace, to be ſworn as a Witneſs, or to give Evidence in any Cauſe, Civil, or Criminal, except againſt or between any other Convicts, until the Term for which ſuch Perſon was ſentenced to be tranſported, ſhall appear to be fully expired: And that no free Negroe, Mulatto, or Indian, ſhall be admitted or ſworn a Witneſs, in any Cauſe whatſoever, except againſt or between Negroes, Mulattos, or Indians.

Repealing Clauſe.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed.

Commencement of this Act.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall commence and be in Force, from and immediately after the Tenth Day of *June*, which ſhall be in the Year of Our Lord One Thouſand Seven Hundred and Fifty One.

CHAP.

CHAP. XIV.

An Act concerning Servants, and Slaves.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all Servants, except Convicts, imported into this Colony without Indenture, if they be Christians, of Christian Parentage, and above Nineteen Years of Age, shall serve but Five Years; and if they be under Nineteen, 'til they become Twenty Four Years of Age, and no longer: But every such Servant, under Nineteen, shall be brought, within Six Months after his, or her Importation, before the Court of the County where the Master lives, and his, or her Age adjudged by the Court, otherwise shall be a Servant no longer than the accustomary Five Years, altho' under the Age of Nineteen; and the Age of such Servant, so adjudged and recorded, shall be accounted his, or her true Age, in Respect to the Time of Service.

How long Servants imported without Indenture, shall serve.

II. AND that all Persons who have been, or shall be imported into this Colony, by Sea or Land, and were not Christians in their native Country, except Turks and Moors in Amity with his Majesty, and such who can prove their being free, in *England*, or any other Christian Country, before they were shipped for Transportation hither, shall be accounted and be Slaves, and as such be here bought and sold, notwithstanding a Conversion to Christianity after their Importation.

Who shall be Slaves.

III. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall import into this Colony, and here sell as a Slave, any Person or Persons who have been free, in any Christian Country, Island, or Plantation, such Importer and Seller shall forfeit and pay, to the Party from whom such free Person shall recover his, or her Freedom, double the Sum for which such free Person was sold, to be recovered in any Court of Record of this Colony, with Costs, according to the Course of the Common Law, wherein the Defendant shall not be admitted to plead in Barr, any Act or Statute, for Limitation of Actions.

Penalty for selling Freemen as Slaves.

IV. *PROVIDED always,* That a Slave's being in *England* shall not be a Discharge from Slavery, without other Proof of being manumitted there; and that Baptism of Slaves doth not exempt them from Bondage: And that all Children shall be Bond, or Free, according to the Condition of their Mothers, and the particular Directions of this Act; and where any female Mulatto, or Indian, by Law obliged to serve 'til the Age of Thirty One Years, hath been or shall be delivered of any Child, during the Time of her Servitude, such Child shall serve the Master, or Mistress of such Mulatto, or Indian, until it shall attain the same Age the Mother of such Child was obliged by Law to serve unto.

What shall be no Discharge from Slavery. Children bond or free according to their Mother's Condition.

V. *AND be it further Enacted, by the Authority aforesaid,* That all Masters and Owners of Servants, by Act of Parliament, Indenture, or Custom, shall find and provide for them, wholesome and competent Diet, Cloathing, and Lodging, and shall not give immoderate Correction, nor whip any Christian white Servant naked, without Order from a Justice of Peace: And if any Person shall presume to whip a Christian white Servant naked, without such Order, he, or she, so offending, shall forfeit and pay Fifty Shillings current Money, to the Party injured, recoverable with Costs, upon Complaint made to the County Court, within Six Months after such Whipping.

Master's Duty to Servants.

VI. AND that all Complaints, made to a Justice of Peace, shall be by him received, and if thereupon he shall see Cause, he may bind over the Master, or Owner, to appear before the next Court held for his County, to answer such Complaint, where the same shall be heard and determined: And all Petitions of

Justices shall receive Servants Complaints.

A. D. 1748.

Proceedings upon Servants Petitions to the Court.

Servants, to the Court of the County wherein they reſide, for Diet, Cloathing, Lodging, Correction, Whipping, Freedom, or Freedom-dues, ſhall be received at any Time, without the Formality of an Action, and ſuch Court is hereby declared to have Juriſdiction and Authority, (the Maſter or Owner of the Petitioner being firſt ſummoned to appear) to hear and determine the Matter of every ſuch Petition, in a ſummary Way, and to award Execution thereupon: And where the ſame ſhall relate to Diet, Cloathing, Lodging, or Correction, the Court may make ſuch Order as to them ſhall appear juſt and neceſſary; and if the Maſter, or Owner, will not comply with ſuch Order, the Court may, upon a ſecond Complaint, or Petition, order the Servant, ſo petitioning, to be immediately ſold by the Sheriff by public Auction, for the Reſidue of his, or her Time of Service, then unexpired, and the Money, or Tobacco, ariſing by ſuch Sale, after Charges deducted, ſhall be paid to the Owner, when demanded; and if ſuch Servant be ſick, lame, or diſabled, ſo that he, or ſhe, cannot be ſold for ſo much, at leaſt, as will ſatisfy the Fees and other incident Charges, the Court ſhall order the Churchwardens of the Pariſh to take care of, and provide for ſuch Servant, 'til the Expiration of his, or her Time of Service, or until he, or ſhe, can be ſold for defraying all Charges, and moreover, the Court ſhall, from Time to Time, order the Charges of keeping ſuch Servant to be levied, by Diſtreſs upon the Goods and Chattels of the Maſter, or Owner.

No Contracts between Maſters and Servants, unleſs in Court.

Servants ſhall have the Property of their own Effects.

Sick or lame Servants may not be diſcharged.

Penalty 10*l.* & Damages.

VII. AND that no Maſter or Owner ſhall, during the Time of Service, make any Contract, or Bargain, with his, or her Servant, for further Service, or other Matter or Thing relating to Liberty, or perſonal Profit, unleſs the ſame be made in the Preſence, and with the Approbation, of the Court of the County wherein the Maſter or Owner reſides: And if any Servants ſhall at any Time bring in Goods, or Money, or during the Time of their Service ſhall, by Gift, or any other lawful Means, acquire Goods or Money, they ſhall have the Property and Benefit thereof to their own Uſe: And if any Servant ſhall be ſick, or lame, and ſo becomes uſeleſs or chargeable, his or her Maſter or Owner ſhall maintain ſuch Servant, until his or her whole Time of Service ſhall be expired; and if any Maſter or Owner ſhall put away a lame, or ſick Servant, under Pretence of Freedom, and ſuch Servant becomes chargeable to the Pariſh, ſuch Maſter or Owner ſhall forfeit and pay Ten Pounds current Money, to the Churchwardens of the Pariſh wherein ſuch Offence ſhall be committed, to the Uſe of their Pariſh, recoverable with Coſts, by Action of Debt, in any County Court of this Colony, and moreover, ſhall be liable to the Action of the ſaid Churchwardens, for Damages.

Freedom-dues.

VIII. AND that every Servant, Male or Female, not having Wages, ſhall, at the Expiration of his, or her Time of Service, have and receive Three Pounds Ten Shillings current Money, for Freedom-dues, to be paid by his, or her Maſter, or Owner; and, in Caſe of Refuſal, recoverable with Coſts, by Petition to the County Court, in Manner herein before directed.

Who may not have a Chriſtian Servant.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That no Negroe, Mulatto, or Indian, altho' a Chriſtian, or any Jew, Moor, Mahometan, or other Infidel, ſhall at any Time purchaſe any Chriſtian Servant, nor any other, except of their own Complexion, or ſuch as by this Act are declared Slaves: And if any of the Perſons aforeſaid ſhall neverthleſs preſume to purchaſe a Chriſtian white Servant, ſuch Servant ſhall immediately become free, and be ſo held deemed and taken: And if any Perſon, having ſuch Chriſtian Servant, ſhall marry with a Negroe, Mulatto, Indian, Jew, Moor, Mahometan, or other Infidel, ſuch Servant ſhall thereupon become freed from all Service then due to ſuch Maſter or Miſtreſs.

Penalty upon dealing with a Servant, or Slave, without Leave.

X. AND that no Perſon whatſoever ſhall buy, ſell, or receive of, to, or from any Servant, or Slave, any Coin or Commodity whatſoever, without the Leave or Conſent of the Maſter or Owner of ſuch Servant, or Slave: And if any Perſon

Person shall presume to deal with any Servant, or Slave, without such Leave or Consent, he or she so offending, shall be imprisoned one Calendar Month, without Bail or Mainprize, and then remain in Prison, until he or she give sufficient Security, in the Sum of Ten Pounds current Money, for the good Behaviour for one Year following, wherein a second Offence shall be a Breach of the Bond; and moreover, such Offender shall forfeit and pay Four Times the Value of the Thing so bought, sold, or received, to the Master or Owner of such Servant, or Slave; to be recovered with Costs, by Action upon the Case, in any County Court of this Dominion: And when any Person, convict as aforesaid, shall not immediately give such Security for the good Behaviour, the Court shall order Thirty Nine Lashes, well laid on, upon the bare Back of such Offender, at the common Whipping-Post, and he or she to be thereupon discharged of giving such Bond and Security. *A. D.* 1748.

XI. *AND be it further Enacted, by the Authority aforesaid,* That all Servants shall faithfully and obediently, all the whole Time of their Service, do all their Masters or Owners just and lawful Commands; and if any Servant shall resist his or her Master, Mistress, or Overseer, or offer Violence to any of them, such Servant shall, for every such Offence, be adjudged to serve his or her Master or Owner one whole Year, after the Time by Act of Parliament, Indenture, Custom, or former Order of Court shall be expired.

Duty of Servants.

Their Punishment, in Case of Resistance.

XII. AND that in all Cases of penal Laws, where free Persons are punishable by Fine, Servants shall be punished by Whipping, after the Rate of Twenty Lashes for every Five Hundred Pounds of Tobacco, or Fifty Shillings current Money, so that no Servant shall receive more than Forty Lashes at one Time; unless such Offender can procure some Person to pay the Fine.

And where they transgress penal Laws.

XIII. AND to the End poor People may not be destitute of Employment, under Suspicion of their being Servants, as well as to prevent Servants running away: *It is hereby further Enacted,* That every Servant, upon Expiration of his or her Time, and Proof thereof made before the Court of the County where he or she last served, shall have his or her Freedom recorded, and a Certificate thereof under the Hand of the Clerk; which shall be sufficient to indemnify any Person for entertaining or hiring such Servant, and if such Certificate shall happen to be torn, or lost, the Clerk, upon Request, shall issue another, reciting therein the Loss of the former: And if any Person shall harbour or entertain a Servant, not having and producing such Certificate, he or she shall pay to the Master or Owner of such Servant, Thirty Pounds of Tobacco, for every natural Day, he or she shall so harbour or entertain such Runaway, recoverable with Costs, by Action of Debt, in any County Court of this Dominion: And if any Runaway shall make Use of a forged Certificate, or after Delivery of a true Certificate, to the Person hiring him or her, shall steal the same, and thereby procure other Entertainment, the Person entertaining or hiring, shall not be liable to the said Penalty, but such Runaway, besides making Reparation for Loss of Time and Charges of Recovery, in the Manner herein after directed, shall stand two Hours in the Pillory, on a Court-Day, for making Use of such forged or stolen Certificate; and the Person forging the same, shall forfeit and pay Ten Pounds current Money, one Moiety to the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Owner of such Runaway, or the Informer, recoverable with Costs, in any County Court of this Dominion; and on Failure of present Payment, or Security for the same within six Months, such Offender, shall receive Thirty Nine Lashes on his or her bare Back, well laid on, at the common Whipping-Post: And where a Runaway shall happen to be hired upon a forged Certificate, and afterwards denies the Delivery thereof, the *Onus Probandi* shall lie upon the Party hiring such Runaway.

Servants when free, shall have a Certificate.

Penalty on harbouring Servants without Certificate.

Punishment of Servants using a forged or stolen Certificate.

And on Persons forging.

XIV. AND to encourage all Persons to take up Runaways, *Be it further Enacted, by the Authority aforesaid,* That for every Runaway Servant, or Slave, taken

Rewards for taking up Runaways.

A. D. 1748.

taken up Ten Miles, or more, from his or her usual Place of Abode, the Taker up shall be entitled to a Reward of Two Hundred Pounds of Tobacco; but if under Ten, and above Five Miles, One Hundred Pounds of Tobacco; which shall be paid by the Public, in the County where such Taker up resides, and be levied by the Public upon the Master or Owner of the Runaway: But the Taker up shall forthwith bring such Runaway before a Justice of Peace, of the County where he or she shall be taken, to be examined; and if thereupon such Servant, or Slave, appears to be run away, the Justice shall grant the Taker up a Certificate reciting his or her proper Name and Surname, the County of his or her Residence, the Name of the Runaway, the proper Name and Surname of his or her Owner, and the County wherein he or she resides, the Time and Place when and where the Runaway was taken, and the Distance of Miles, in the Judgment of the Justice, from the House or Quarter where the Runaway was usually kept; and such Justice shall also issue his Warrant to the next Constable, requiring him to receive such Runaway, and give him or her such a Number of Lashes as the said Justice shall think fit to direct, not exceeding Thirty Nine, and then him or her to convey and deliver to the next Constable, and so from Constable to Constable, until the Runaway be delivered to his or her Owner or Overseer: And every Constable to whom such Runaway and Warrant shall be produced, shall execute the same, and give a Receipt upon Delivery of the Runaway to him, under Penalty of forfeiting and paying Two Hundred Pounds of Tobacco, to the Church-Wardens of the Parish wherein such Constable lives, recoverable with Costs, by Action of Debt, in any County Court, to the Use of such Parish: But the Corporal Punishment, herein before directed to be given to Runaways, shall not deprive the Master or Owner of any Servant, from the Satisfaction by this Act required to be made by Servants for running away.

The Method of proceeding with them.

Constables Duty.

XV. *AND be it further Enacted, by the Authority aforesaid,* That every Negroe, or other Person, taken up and brought before a Justice of Peace, and who cannot, or will not, declare the Name of his or her Owner, shall be committed to the Goal of the County where taken, by Warrant under the Hand of such Justice; and the Sheriff or Goaler, to whose Custody such Runaway shall be committed, shall forthwith cause Notice thereof, and a Description of such Runaway, and his or her Cloathing, to be publickly affixed at the Door of the Court-House, and there continued two Months, if no Owner appears within that Time: and shall also send a Copy thereof to the Clerk or Reader of every Church within his County, to be by him published, and affixed in some open and convenient Place near his Church, every *Sunday* during two Months after the Date thereof, unless the Owner appear sooner, under Penalty of Five Hundred Pounds of Tobacco, on every Sheriff or Goaler, and Two Hundred Pounds of Tobacco on every Clerk or Reader failing, one Moiety to the King, his Heirs and Successors, for the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer, recoverable with Costs, by Action of Debt, or Information, in any County Court: But such Runaway shall be delivered to his or her Owner when demanded, he or she satisfying the Sheriff's Fees, and also Two Hundred Pounds of Tobacco, or Twenty Shillings for the taking up: And that if within two Months after such Commitment, no Owner appears or claims, the Sheriff shall deliver such Runaway to the next Constable, to be conveyed from one Constable to another, 'til brought to the public Goal of this Colony, and delivered to the Keeper thereof, by such Warrant, and to receive such Punishment as is herein before directed; and the said Keeper is hereby required to receive such Runaway into his safe Custody, and give a Receipt, and shall also publish Advertisement, and a Description of the Person and Cloaths, in the *Virginia* Gazette, and continue the same Three Months, if no Owner appears; and it shall be lawful for the said Keeper, upon Application to the nearest County Court to the said Goal, with Consent of the said Court, to let such Runaway to hire, to any Person by them approved of, for Money or Tobacco, and for such Term as shall be by them directed, and out of the Hire arising thereby, all Charges for taking up, Imprisonment, conveying to Goal, maintaining, and releasing such Runaway, shall

Runaway not declaring the Name of his Owner, shall be committed.

Proceedings thereupon.

ſhall be firſt paid, and the Overplus diſpoſed of as ſuch Court ſhall direct; but the ſaid Keeper ſhall cauſe a ſtrong Iron Collar, with the Letters P. G. ſtamped thereon, to be put on the Neck of every Runaway ſo hired out, at the Time of delivering him or her to the Perſon hiring, which ſhall indemnify him from any Eſcape afterwards: and for every Runaway ſo hired out, the Keeper of the ſaid public Goal ſhall be allowed one Fee for Commitment, and the ſame for Releaſement, and no more: and if any ſuch Runaway ſhall happen to die in Goal, the Reward for taking up, and all other Fees incident, ſhall be defrayed by the Public. *Provided always*, That when the Owner of ſuch Runaway ſhall demand him or her, the Perſon to whom he or ſhe was hired, ſhall forthwith deliver the ſame, into the Cuſtody of the Keeper of the public Goal, and ſhall then alſo pay the Hire, in Proportion to the Time the Runaway hath ſerved; and if that be not ſufficient to ſatisfy all Charges, the Owner paying down the Reſidue, ſhall have him or her delivered.

Owner claiming a Runaway Slave in the public Goal, muſt prove his Property.

XVI. BUT whereas the Continuance of unaway Slaves ſome Time in the public Goal, may induce diſhoneſt Perſons to pretend themſelves Owners, and thereby obtain Poſſeſſion to the Prejudice of the true Owner, *Be it therefore Enacted, by the Authority aforeſaid*, That before any ſuch Slave ſhall be delivered by the Keeper of the public Goal, the Perſon claiming ſuch Slave, ſhall firſt apply to the Court of the County where he reſides, and make Proof of his having loſt a Slave, anſwering the Deſcription, publiſhed by the ſaid Keeper in the Gazette, and obtain Certificate thereof, and alſo there give Security to anſwer all Damages if it ſhall thereafter appear, That the Slave he ſhall thereupon receive from the ſaid Keeper, doth really belong to ſome other Perſon: And on producing ſuch Certificate to the Keeper aforeſaid, and making Oath before the Mayor, or ſome other Magiſtrate of *Williamſburg*, That the Slave, who ſhall be there preſent, is his, or the Slave of   for whom he appears, it ſhall be lawful for the ſaid Keeper, to deliver the Slave ſo deſcribed and ſworn to, and not otherwiſe.

Where no Owner appears.

XVII. AND if no Owner ſhall appear to claim ſuch Runaway, the County Court ſhall, after the Charges aforeſaid are paid and ſatisfied, cauſe ſuch Runaway to be ſold at public Auction, by the Sheriff, and the Money ariſing by the Sale ſhall be paid to the Treaſurer of this Colony, and applied by him for the Uſe of the Public; but in caſe the Owner ſhall, at any Time afterwards, prove his Property in the ſaid Runaway, the ſaid Treaſurer ſhall repay him or her, the Money ſo received, and be allowed the ſame in his Account.

Where Runaways have croſſed the Bay.

XVIII. AND that when any Runaway ſhall have croſſed the Bay of *Cheſapeak*, and be brought before a Juſtice of any County lying upon the ſaid Bay, ſuch Runaway ſhall be committed to the Sheriff, and not to a Conſtable; but if he or ſhe, after croſſing the Bay, ſhall get up into ſome other County, more remote, in ſuch Caſe the Runaway ſhall be committed to a Conſtable, and ſo from Conſtable to Conſtable, 'til delivered to the Sheriff of ſome County adjoining to the Bay aforeſaid: And every ſuch Sheriff is hereby required to receive the Runaway ſo to him committed, and ſhall forthwith cauſe him or her to be tranſported again acroſs the Bay, and delivered to a Conſtable there, to be conveyed as is herein before directed; and for his Trouble and Charge herein, ſuch Sheriff ſhall have and receive Five Hundred Pounds of Tobacco, for every Runaway ſo tranſported and delivered, to be paid by the Public, and repaid by the Owner of the Runaway: And if any Sheriff, or his Officer, ſhall cauſe or ſuffer ſuch Runaway to work, ſo as to occaſion any Delay, ſuch Sheriff, or Officer, ſhall forfeit and pay One Thouſand Pounds of Tobacco, to the Owner of the Runaway, recoverable with Coſts, by Action of Debt, or Information, in any County Court of this Dominion.

Where they belong to *Maryland* or *Carolina*.

XIX. AND where a Runaway, belonging to an Inhabitant of *Maryland* or *Carolina*, ſhall be taken and brought before a Juſtice, ſuch Runaway ſhall be by

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him committed to the Goal of the County where taken, and the Sheriff, or Goaler, ſhall cauſe Advertiſements to be publiſhed in the ſame Manner, and for the ſame Time, as is herein before directed to be done by the Keeper of the public Goal; and if no Owner appears, may, with Conſent and Approbation of his County Court, hire out ſuch Runaway, and ſhall pay the Reward for taking up, which ſhall be reimburſed out of the Hire, or by the Owner, together with all other Charges, if the Hire be not ſufficient. And all Money or Tobacco ariſing by ſuch Hire of the Runaway, 'til claimed by his or her Owner, ſhall be to the Uſe of ſuch Sheriff or Goaler, and he may demand and take of the Owner, the like Fees and Charges, as are or ſhall be then demandable of the Inhabitants of *Virginia*, for Runaways taken up, in the Province where ſuch Owner reſides.

Officer may impreſs Aſſiſtants, and liable for Eſcapes.

XX. *AND be it further Enacted, by the Authority aforeſaid,* That every Sheriff, Conſtable, or other Officer, charged with conducting Runaways, ſhall be, and is hereby impowered to impreſs Men and Horſes, where neceſſary, for the ſafe conveying the Perſon or Perſons wherewith he ſtands charged: And if ſuch Officer ſhall ſuffer ſuch Runaway to eſcape, he ſhall be liable to the Party grieved, for Recovery of Damages and Coſts, at the Common Law.

Priſon Fees.

XXI. AND that the Keeper of the public Goal may demand and take, for the Commitment of every Runaway, Two Shillings current Money, or Twenty Pounds of Tobacco, and the ſame for Releaſement, and for every Twenty Four Hours keeping him or her in Goal, Sixpence, or Five Pounds of Tobacco, and no more: And if he, or any Sheriff, or Goaler, ſhall demand and take any other or greater Fee, than is, or ſhall be by Law allowed for Runaways, he or they ſo offending ſhall, for every ſuch Offence, forfeit and pay Twenty Shillings to the Party grieved, and ſhall alſo refund and pay back all Money or Tobacco received over and above the legal Fees, recoverable with Coſts before any Juſtice of Peace, of the County where ſuch Offence ſhall be committed.

Runaway Servants to repay all Charges, and Loſs of Time.

XXII. AND that every Runaway Servant, upon whoſe Account any Reward ſhall be paid for taking up, ſhall ſerve his or her Maſter, or Owner, after all other Time of Service due ſhall be expired, one Month and a Half for every Hundred Pounds of Tobacco ſo paid, or to be paid, and for all neceſſary Diſburſements and Charges expended in Purſuit and Recovery of ſuch Runaway, and moreover, ſhall ſerve double the Time of his or her Abſence, to be adjudged and allowed by the Court of the County where the Owner reſides, or where the Runaway is kept, at the next Court held after his or her Recovery, he or ſhe being alſo brought before them; but if the Owner neglects ſo to do, the Court may allow, or reject ſuch Claim, as to them appears juſt, without any Appeal. *Provided always,* That if any Servant, at the Time of ſuch Judgment, ſhall repay, or give good Security before the Court, for Repayment of all Charges and Diſburſements, within Six Months after, the Maſter or Owner ſhall accept thereof, in lieu of Service.

Remedy againſt Servants imported as T.adeſmen, or Mechanics, upon Wages, and found ignorant.

XXIII. AND whereas many Abuſes have been committed by Perſons, who, under Pretence of underſtanding Trades and Myſteries, have procured large Sums of Money to be advanced to them, and entred into Covenants with Merchants and others, in *Great Britain* or elſewhere, for the Payment of Yearly Wages, tho' they were realy ignorant of, and unable to perform ſuch Trades or Myſteries: *Be it therefore further Enacted, by the Authority aforeſaid,* That all and every Perſon or Perſons already imported, or who ſhall be imported into this Colony, as a Tradeſman or Workman on Wages, and ſhall be found not to underſtand ſuch Trade or Employment, may be brought, by his or her Maſter or Owner, before any County Court of this Colony, who are hereby impowered and directed, upon Complaint of ſuch Deceit to them made, to enquire into the ſame, and upon finding any ſuch Fraud, may order and direct ſuch Satisfaction to be made to the Maſter, or Owner of ſuch Servant, either by Defalcation of the Wages, or Part thereof, or by ſuch further Time of Service for the Money advanced, as to them ſhall ſeem juſt: And that if any ſuch Tradeſman or Workman, on Wages, ſhall

refuſe

refuse or neglect to perform his Duty, or absent himself from his Master's Service, without Leave, the Justices of the County Court wherein such Master resides, upon Complaint and Proof to them made, may order such Satisfaction to be made to such Master or Owner, as to them shall seem just; and that for every Days Absence, such Servant shall serve Two Days, without Wages, after his Time by Indenture, or former Order of Court is expired. *A. D. 1748.* Or, where they refuse to work, or absent themselves.

XXIV. *AND be it further Enacted, by the Authority aforesaid,* That every Person who at any Time or Times hereafter shall be bound by Indenture, to serve as an Apprentice in any Trade, Art, Mystery, or Occupation, with the Consent and Approbation of any Court of Record within this Colony, altho' such Person be within the Age of Twenty One Years at the Time of making his Indenture, shall be obliged to serve the full Time in such Indenture contained, as amply and largely to every Intent, as if such Apprentice were of full Age at the Time of making the same. Apprentices shall serve out their full Time

XXV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall steal any Negroe, Mulatto, or Indian Slave, whatsoever, out of or from the Possession of the Owner or Overseer of such Slave, the Person or Persons so offending shall be, and are hereby declared to be Felons, and shall suffer Death, without Benefit of Clergy. Stealing Slaves Felony, without Clergy.

XXVI. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed. Repealing Clause.

XXVII. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. XV.

An Act for the better securing the Payment of Rents, and preventing the fraudulent Practices of Tenants.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That where any Goods or Chattels shall be distrained for any Rent reserved, and done, upon any Demise, Lease, or Contract whatsoever, and the Tenant, or Owner of the Goods so distrained, shall not within Ten Days after such Distress taken, and Notice thereof, and the Cause of such Taking, left at the chief Mansion House, or other most notorious Place on the Premises, charged with the Rent distrained for, replevy the same, by sufficient Security given to the Sheriff, or Officer serving such Distress, to pay the Money or Tobacco, and all Costs, with lawful Interest for the same, at the End of Three Months, in such Case, such Sheriff or Officer shall and may sell the Goods and Chattels so distrained, by Public Auction to the highest Bidder, either for Money or Tobacco, according as the Rent reserved shall be due and payable, in the like Manner as Goods or Chattels taken in Execution; and all Bonds and Securities, taken upon such Sale, shall be returned by the Sheriff or Officer, and be of the like Force, and leviable when due, in the same Manner as Bonds taken upon executing a Writ of *Fieri Facias*. The Method of Proceeding in Distress for Rent.

II. *PROVIDED always,* That when Distress shall be made for Tobacco, between the last Day of *September*, and the last Day of *December*, in any Year, and the Goods distrained shall not be replevied as aforesaid, such Goods shall be sold, Where the Distress is for Tobacco, between 30 *Sept.* and 31 *Dec.*

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ſold, and Security taken for paying the Tobacco by the Firſt Day of *January* then next; and the Bonds taken for the ſame, and Coſts of Seiſure and Sale, ſhall be by the Officer delivered, to the Landlord for whom Diſtreſs was made.

Remedy in Caſe of wrongful Diſtreſs.

III. *AND be it further Enacted, by the Authority aforeſaid,* That in Caſe any Diſtreſs and Sale ſhall be made, under Colour of this Act, for Rent pretended to be in Arrear and due, where in Truth no Rent is Arrear, or due, to the Perſon or Perſons diſtraining, or to him, her, or them in whoſe Name or Names, or Right, ſuch Diſtreſs ſhall be taken as aforeſaid, then the Owner of the Goods and Chattels ſo diſtrained and ſold, his Executors or Adminiſtrators, ſhall have Remedy, by Action of Treſpaſs, or upon the Caſe, againſt the Perſon and Perſons ſo wrongfully diſtraining, or either of them, his, her, or their Executors and Adminiſtrators, and ſhall recover double the Value of the Goods and Chattels ſo diſtrained and ſold, together with full Coſts of Suit.

Treble Damages upon Pound-Breach or a Reſcous.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That upon any Pound-Breach, or Reſcous, of Goods or Chattels diſtrained for Rent, the Perſon or Perſons grieved thereby ſhall, in a ſpecial Action upon the Caſe for the Wrong thereby ſuſtained, recover Treble Damages, with Coſts of Suit, againſt the Offender and Offenders in any ſuch Reſcous or Pound-Breach, or either of them, or againſt the Owner of the Goods diſtrained, in Caſe the ſame be afterwards found to have come to his, or her Uſe or Poſſeſſion.

Goods upon Leaſehold Lands may not be taken in Execution, without paying the Rent Arrear.

V. *AND be it further Enacted, by the Authority aforeſaid,* That no Goods or Chattels whatſoever, lying or being in or upon any Meſſuage, Lands, or Tenements, which are, or ſhall be leaſed for Life, or Lives, Term of Years, at Will, or otherwiſe, ſhall at any Time hereafter be liable to be taken by Virtue of any Writ of Execution, or on any Pretence whatſoever, unleſs the Party ſo taking the ſame ſhall, before Removal of the Goods from off ſuch Premiſes, pay or tender to the Landlord, or Leſſor thereof, or his Agent, all the Money or Tobacco due for the Rent of the ſaid Premiſes, at the Time of taking ſuch Goods or Chattels in Execution.

But not for more than One Year.

VI. *PROVIDED nevertheleſs,* That ſuch Rent Arrear do not amount to more than one Year's Rent; and if more be due, then the Party ſuing out ſuch Execution, paying or tendring to ſuch Landlord, or his Agent, One Year's Rent, may proceed to execute his Judgment: And the Sheriff or Officer ſerving the ſame, is hereby impowered and required to levy and pay to the Plaintiff, as well the Money or Tobacco ſo paid for Rent, as the Execution Money.

Where Tenant removes, the Landlord may have Attachment.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That where any Landlord ſhall have ſufficient Grounds to ſuſpect that his Tenant will remove, with his Effects, out of the County, before the Expiration of his Term, ſo as no Diſtreſs for the ſaid Rent can be made, it ſhall be lawful for ſuch Landlord to go before any Juſtice of the Peace, of the County where the Lands leaſed do lie, and make Oath, what Rent the Tenant is to pay, and at what Time the ſame will be due, and that he has juſt Cauſe to ſuſpect, and verily believes, ſuch Tenant will remove his, or her Effects out of the County, before the Time of Payment; and thereupon ſuch Juſtice may, and he is hereby impowered and required, to iſſue an Attachment againſt the Goods and Chattels of ſuch Tenant, returnable to his next County Court, and if ſuch Tenant ſhall not, at the Time of ſerving ſuch Attachment, or before, or at ſuch next Court, enter into Recognizance, with one or more ſufficient Securities, for the Payment of the ſaid Rent at the Time it ſhall become due, it ſhall be lawful for ſuch Court, and they are hereby required, to order the Goods attached to be ſold, by the Sheriff at Public Auction, for Money or Tobacco, according to the Reſervation of the Rent, to be paid at the Time the Rent ſhall become due, the Purchaſers giving good Security for ſuch Payment, and to aſſign the Bonds taken for the ſame, and the

Coſts,

Costs, to such Landlord: And the Overplus of such Sale, if any, besides the Charges of Attachment and Sale, to return to the Owner. *A. D. 1748.*

VIII. AND that in Case any Lessee, for Life or Lives, Term of Years, at Will, or otherwise, of Messuages, Lands, or Tenements, upon the Demise whereof any Rents are or shall be reserved, or made payable, shall at any Time, fraudulently or clandestinely, convey or carry off or from such demised Premises, his Goods or Chattels, with Intent to prevent the Landlord, or Lessor from distraining the same for Arrears of Rent so reserved, it shall be lawful for such Lessor or Landlord, or any Person or Persons by him for that Purpose lawfully impowered, within Ten Days next after such conveying away, or carrying off such Goods and Chattels, to take and seise the same wherever they shall be found, as a Distress for the Arrears of such Rent, and the same to sell, in like Manner as if they actually had been distrained by such Lessor or Landlord, in and upon the demised Premises. Goods carried off, may be seised within 10 Days.

IX. *PROVIDED always*, That no Goods or Chattels so carried off, and *bonâ fide* sold for a valuable Consideration, before such Seisure made, shall be afterwards liable to be so taken or seised for any Arrears of Rent. But not if sold before Seisure.

X. *AND be it further Enacted, by the Authority aforesaid*, That any Person or Persons having Rent in Arrear or due, upon any Lease or Demise, for Life or Lives, may bring an Action or Actions of Debt for such Arrears of Rent, in the same Manner as if such Rent were due, and reserved upon a Lease for Years. Rent Arrear, upon Lease for Life, recoverable by Action of Debt.

XI. AND that it shall be lawful for any Person or Persons, having Rent in Arrear or due upon any Lease for Life or Lives, or for Years, or at Will, ended or determined, to distrain for such Arrears after the Determination of the respective Leases, in the same Manner as if such Lease or Leases had not been determined. How Rent Arrear may be distrained after Determination of the Lease.

XII. *PROVIDED*, That such Distress be made within Six Months after the Determination of such Lease, and during the Continuance of such Landlord's Title or Interest, and during the Possession of the Tenant from whom such Arrears became due. Proviso.

XIII. *PROVIDED also, and it is hereby Enacted, and Declared*, That nothing in this Act contained, shall extend, or be construed, to let, hinder, or prejudice his Majesty, his Heirs and Successors, in the levying, recovering, or seising, any Debts, Fines, Penalties, or Forfeitures, due, payable, or answerable, to his Majesty, his Heirs and Successors: But that the same may be levied, recovered, and seised, in the same Manner as if this Act had never been made. Saving Debts due to the King.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed. Repealing Clause.

XV. *AND be it further Enacted*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One. Commencement of this Act.

A. D. 1748.

CHAP. XVI.

An Act for the Settlement and Regulation of Ferries, and for Dispatch of Public Expresses.

Public Ferries appointed.

Rates of Ferriage.

I. BE *it Enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That Ferries be constantly kept at the Places hereafter named, and that the Rates for passing the said Ferries be as follows, *viz.*

On James River, *and the Branches thereof.*	For a Man. s.	d.	Horse. s.	d.
From the Land of *Henry Batte*, in *Henrico* County, to the Glebe Land at *Varina*,	0	3¾	0	3¾
From *Westover* in *Charles-City* County, to *Maycox*, or *Coggins* Point; and from *Maycox* to *Westover*,	0	7½	0	7½
From *Kennon*'s to *Maye*'s, on *Appamattox* River, and from *Maye*'s to *Kennon*'s,	0	3¾	0	3¾
From *Joseph Wilkins*'s, or *John Hood*'s Land, in *Prince George* County, to *John Minge*'s Land, in *Wyanoke*,	0	7½	0	7½
From *Hog-Island*, in *Surry* County, to *Higginsons* Landing, on Col. *Lewis Burwell*'s Land, so long as the Ferry-Keeper will at his own Charge keep a sufficient Bridge over *Hog-Island* Creek, and upon Failure thereof from *Hog-Island* Main, to the End the said Bridge may never become a County Charge, and from the said *Higginson*'s Landing to *Hog-Island*, or upon Failure as aforesaid, to the Main,	1	3	1	3
At *Williamsburg*, from *Princess Anne* Port, to *Hog-Island*,	2	6	——	
For a Man and Horse,	4	0	——	
From *Swan*'s Point to *James-Town*,	0	7½	0	7½
From *Crouche*'s Creek to *James-Town*,	1	0	1	0
From *James-Town* to the Two last mentioned Places respectively,	1	0	1	0
At *Chicahominy*, the usual Place on each Side the River,	0	6	0	6
From *Cowles*'s to *Williams*'s,	0	3¾	0	3¾
From *Cowles*'s to *Hamner*'s Point,	0	6	0	6
From *Coffield*'s Point, in *Nansemond* County, to *Robert Peale*'s, near *Sleepy-Hole*,	0	6	0	6
From *Hampton* Town Point, to *Brooke*'s Point,	0	3	0	3
From *Hampton* Town to *Sewell*'s Point,	3	0	3	0
From *Norfolk* Town to *Sawyer*'s Point, or *Crawford*'s, and from *Crawford*'s to *Norfolk* Town,	0	6	0	6
From *Crawford*'s to *Powder* Point,	0	4	0	4
From *Bolling*'s Point, in *Henrico* County, over *Appamattox* River,	0	2	0	2
From *Bermuda*-Hundred to *City* Point,	1	0	1	0
From *City* Point to *Shirley*-Hundred, at the Ship Landing, and from the said Landing to *City* Point,	1	0	1	0
From the Ship Landing at *Shirley*, to *Bermuda*-Hundred,	0	6	0	6
From the Hemp Landing, at the Falls of *James* River, to *Shocoe*'s, on the Land of *William Byrd*, Esq;	0	4	0	4
From the Land of *Stephen Woodson*, in the County of *Goochland*, to *Manacon* Town,	0	3	0	3
From *Henry Cary*'s Land, over the River, to the Land of the said *Cary*,	0	3	0	3
From *Henry Batte*'s, in the County of *Henrico*, to *Alexander Bolling*'s, in the County of *Prince-George*,	0	3	0	3
From the Land of Col. *Richard Bland* in the County of *Prince George*, to the Land of Mrs. *Anderson*, in the County of *Charles-City*,	0	7½	0	7½

From

	For Man. s.	d.	Horse. s.	d.
From the Land of *William Pride* called the Store Landing, in the County of *Henrico*, to *Anthony*'s Landing, in the County of *Prince-George*,	0	3	0	3
From the said Store Landing, over *Persie*'s Stile Creek, to the Land of *Peter Baugh*,	0	3	0	3
From the Warehouse Landing at *Warwick*, to the Land of *Thomas Moseley*,	0	3	0	3
From the Town of *Southampton* to the Borough of *Norfolk*, and to *Nansemond* Town,	7	6	7	6
But if there be more than one single Man and Horse,	5	0	5	0
And the same Rates from *Norfolk* and *Nansemond*, to *Southampton*,				
From *Mulberry-Island* Point, in the County of *Warwick*, to *Cocket*'s in *Isle of Wight*; and from *Cocket*'s to *Mulberry-Island*,	1	3	1	3
From the Land of *Richard Moseby*, in *Goochland* County, to the Land of *Tarlton Fleming* opposite to *Moseby*'s Landing,	0	3	0	3
From the Land of *Tucker Woodson*, to the Land of *Paul Micheaux* near the Court-House,	0	3	0	3
From the Land of *Bennet Goode*, to the Land of Col. *John Fleming*,	0	3	0	3
From the Land of *James Fenly*, to the Land of *William Cabbell* cross the *Fluvanna*.	0	3	0	3
From *Charles Lynch*'s Plantation, in *Albemarle* County on the *Rivanna*, cross the said River, to the Land of *Richard Meriwether*,	0	3	0	3
From the Land of Mr. *Benjamin Cocke*, cross the said River, to the Land of the said *Benjamin Cocke*,	0	3	0	3
From the Land of *Ashford Hughes*, on the North Side of *James* River, near the Mouth of *Willis*'s Creek, cross the said River, to the Land of *Robert Carter*; and from the said *Carter*'s to the said *Hughes*'s,	0	3	0	3
From the Land of *Lemuel Riddick*, adjoining to the Public Wharf, in *Suffolk*, cross *Nansemond* River, to *Samuel Jordan*'s Land,	0	4	0	4
From the Land of *William Pride*, in the County of *Henrico*, on *Appamattox* River, above the narrow Falls, to the Land of the said *Pride*, over the River, in *Prince-George* County,	0	2	0	2
From the Land of *William Cabbell*, in *Albemarle* County, at the Mouth of *Swan*'s Creek, over the *Fluvanna*, to the Land of *Samuel Spencer*; or from the said *Cabbell*'s, over *Tye* River, to his Land opposite,	0	3	0	3

On York,

From *Chamberlayne*'s to *Williams*'s, or *Williams*'s to *Chamberlayne*'s,	0	6	0	6
From Brick House to *West* Point, or *West* Point to Brick House,	0	9	0	9
From Brick House to *Dudley*'s, or *Dudley*'s to Brick House,	1	0	0	10½
From *Webb*'s to *Lyde*'s, formerly *Spencer*'s in *King-William* County,	0	6	0	6
From *Thomas Crenshaw*'s to the usual Landing Place,	0	3	0	3
From *Temple*'s Landing over *Mattapony* River,	0	3	0	3
From *West* Point to *Dudley*'s, or *Dudley*'s to *West* Point,	0	6	0	6
From *York* Town to *Tindal*'s Point, or *Tindal*'s Point to *York*,	0	7½	0	7½
From *Capahosick* to *Scimino*,	1	3	1	3
From *Seaton*'s over *Pianketank*,	0	6	0	6
From *Frazier*'s to *Broach*'s, and from *Broach*'s to *Frazier*'s,	0	6	0	6
From *Walker* Town to *Waller*'s, or *Waller*'s to *Walker* Town,	0	3¾	0	3¾
From *Turk*'s Ferry over *Pianketank*,	0	3¾	0	3¾
From *Robert King*'s over *Pamunkey*, to *Blackwell*'s, or from *Blackwell*'s to *King*'s,	0	3	0	3

From

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	For Man. s. d.	Horse. s. d.
From *Sweethall* to *Claiborne Gooch*'s, or from *Claiborne Gooch*'s to *Sweethall*,	0 6	0 6
From *George Dabney*'s over *Pamunkey* River,	0 3	0 3
From *Taylor*'s in *King-William*, to *Garland*'s in *Hanover*,	0 3	0 3
From *William Pulliam*'s in *Hanover*, to *John Holliday*'s in *Caroline*,	0 3	0 3
From *Richard Littlepage*'s, to *Thomas Claiborne*'s Land, over *Pamunkey*, and from *Claiborne*'s to *Littlepage*'s,	0 6	0 6
From *Todd*'s Warehouse Landing in *King* and *Queen*, to the Land of *Robert Armistead Bird*, in *King-William*,	0 2	0 2
Rappahanock,		
From *Whiting*'s to *Gilbert*'s,	2 0	2 0
From the Land of *Thomas Ley*, to *Robinson*'s, or from *Robinson*'s to *Ley*'s,	0 6	0 6
From *Byrd*'s to *Williams*'s, or *Williams*'s to *Byrd*'s,	1 3	1 3
From *Tappahanock* Town, to *Carter*'s, or to *Rappahanock* Creek, on either Side thereof,	1 3	1 3
From *Tankersleys* over *Rappahanock* River, to the usual Place,	0 4	0 4
From *Germanna* over the *Rapid-Ann*,	0 3	0 3
From *Ray*'s Plantation to *Skinker*'s,	0 4	0 4
From *Urbanna* to *Chetwood*'s,	2 0	2 0
At *Urbanna*, from the Ferry Landing to *Locust* Point, on the Land of *Ralph Wormley*, Esq;	0 3	0 3
From *Johnston*'s Plantation in *Spotsylvania*, to *Washington*'s in *King-George*,	0 3	0 3
From *Taliaferro*'s Plantation of the Mount, to the Land of *Joseph Berry*,	0 4	0 4
From *Philemon Cavenaugh*'s Ford,	0 3	0 3
From the Wharf above the Mouth of *Massaponax* Creek, to the opposite Landing upon Mr. *Ball*'s Land,	0 3	0 3
From *Fredericksburg* Warehouse to the Land of *Anthony Strother*, or *Strother*'s to *Fredericksburg*,	0 3	0 3
From *Roy*'s Warehouse, to *Gibson*'s Warehouse,	0 4	0 4
From *William Lowry*'s to the Land of *Benjamin Rust*, or from *Rust*'s to *Lowry*'s,	1 0	1 0
From *Falmouth* to the Land of *Francis Thornton*, in *Spotsylvania*,	0 3	0 3
From *Hackley*'s Land, in *King-George*, to *Corbin*'s, in *Caroline*,	0 3	0 3
From the Lot of *Joseph Morton*, in *Leeds* Town, to the Land of Mrs. *Brooke*,	0 8	0 8
From the lower Side of *Parrot*'s Creek, to *Teague*'s Creek, on the Land of *Baldwin Matthews Smith*, and from that Creek to the lower Side of *Parrot*'s Creek,	1 6	1 6
Potomack,		
From Colonel *William Fitzhugh*'s Land at *Boyd*'s Hole, over to *Maryland*,	2 6	2 6
From *Hoe*'s to *Cedar* Point,	2 0	2 0
From *Tripplit*'s Land below the Mouth of *Quantico* Creek, over to *Brooks*'s Land,	1 6	1 6
From *Robert Lovell*'s in the County of *Westmoreland*, over to *Maryland*,	2 6	2 6
From the Land of *William Russel* on *Sherendo*, cross into the Fork, or cross the main River,	0 3	0 3
From *Kersey*'s Landing on Col. *Carter Burwell*'s Land, to the Land of Col. *Landon Carter*,	0 3½	0 3½

From

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	For Man. s. d.	Horse. s. d.
From *Gersham Key*'s Land, to the Land of the Honourable *William Fairfax*, Esq;	0 3½	0 3½
At *William*'s Gap, from the Land of the Right Honourable the Lord *Fairfax*, where *John Melton* now lives, to the Land of *Ralph Wormley*, Esq;	0 3¾	0 3¾
From the Plantation of *George Mason*, opposite to *Rock* Creek, over to *Maryland*,	0 4	0 4
From the Plantation of *John Hereford* in *Daigs* Neck, over the River, to the lower Side of *Pamunkey* in *Maryland*,	1 0	1 0
From *Hunting* Creek Warehouse, to *Frazier's* Point, or *Addison*'s,	1 0	1 0
From the Land of *Ebenezer Floyd*, to *Powell*'s,	0 6	0 6
From *Evan Watkins*'s Landing, opposite to *Canagochego* Creek, to *Edmund Wade*'s Land in *Maryland*,	0 3	0 3
From the Land of *William Clifton*, to the Land of *Thomas Wallis*,	1 0	1 0
From the Land of *Hugh West*, to *Frazier*'s, or *Addison*'s,	1 0	1 0

Nottoway.

From *Thomas Drew*'s Land, to Dr. *Brown*'s	0 3	0 3
From *Bolton*'s Ferry, to *Simmons*'s Land,	0 3	0 3

Eastern Shore,

From *York*, *Hampton*, and *Norfolk* Towns, to the Land of *Littleton Eyre*, on *Hungar*'s River, or from thence to either of the aforesaid Places, for a Man or Horse, passing singly, Twenty Shillings; for a Man and Horse, or if there be more, for each Fifteen Shillings.

And for the Transportation of Wheel Carriages, Tobacco, Cattle, and other Beasts, at any of the Places aforesaid, the Ferry Keeper may demand and take the Rates following, *viz.*

Wheel Carriages.

For every Coach, Chariot, or Waggon, and the Driver thereof, the same as for Six Horses.
For every Cart, or Four Wheel Chaise, and the Driver of such Chaise, as for Four Horses.
For every two Wheel Chaise, or Chair, as for two Horses.

Tobacco. Cattle. Sheep, or Goat. Hogs.

For every Hogshead of Tobacco, as for one Horse.
For every Head of Neat Cattle, as for one Horse.
For every Sheep, Goat, or Lamb, one Fifth Part of the Ferriage of one Horse.
For every Hog, one Fourth of the Ferriage of one Horse.
According to the Prices herein before settled at such Ferry respectively, and no more.

Penalty on taking greater Rates.

AND if any Ferry-Keeper, shall presume to demand and receive, from any Person or Persons whatsoever, any greater Rate than is herein before allowed, for the Carriage and Ferriage of any Thing whatsoever, he or they, for every such Offence, shall forfeit and pay to the Party grieved, the Ferriage demanded and received, and Ten Shillings, to be recovered with Costs, before any Justice of Peace, of the County where such Offence shall be committed.

County Courts may appoint opposite Ferries.

II. AND that where a Ferry is by this Act appointed on one Side of a River or Creek, and none on the other Side answerable thereto, it shall be lawful for the respective County Courts, to appoint an opposite Ferry, and to allow the respective Rates herein before directed, and the said Courts are also hereby impowered to appoint a Ferry over any River or Creek, within their respective Counties, where the same shall be found convenient, and to contract with the Keeper of such

And Ferries for their Militia.

A. D. 1748.

ſuch Ferry or of any public Ferry, to ſet over the Militia of the County, on Muſter Days, and to raiſe an Allowance for the ſame in their County Levy: *Provided always*, That no ſuch Allowance ſhall be raiſed for any Ferry over a River or Creek into another County.

Other Ferries.

III. AND that it ſhall be lawful for the Keepers of the ſeveral County Ferries, herein after mentioned, reſpectively, to demand and take for Ferriage, the following Rates, that is to ſay,

On the River *Occoquan* in Prince *William*, for a Man Three Pence, for a Horſe the ſame.

Nominy in *Weſtmoreland*, for a Man Four Pence, for a Horſe the ſame.

Mattox in the ſame County, for a Man Three Pence, for a Horſe the ſame.

Rappahanock Creek in *Richmond* County, for a Man Three Pence, for a Horſe the ſame.

Piſcataway in *Eſſex*, for a Man Three Pence, for a Horſe the ſame.

On *James* River, at *Branch*'s in *Henrico*, for a Man Three Pence, for a Horſe the ſame.

From *Jacob Micheaux*'s to *Thomas Atkins*'s, for a Man Three Pence, for a Horſe the ſame.

On the *Fluvanna*, from *Scott*'s to *Battersby*'s or *Noble Ladds* in *Albemarle*, for a Man Three Pence, for a Horſe the ſame.

Saving to Perſons exempted.

And for Wheel Carriages the ſame in Proportion to the Rates herein laſt mentioned, as is allowed at public Ferries: *Provided nevertheleſs*, That nothing herein contained, ſhall be conſtrued to oblige any Perſon or Perſons to pay for Ferriages at any of the ſaid County Ferries, who, before the making of this Act, was or were exempted from the ſame, by Reaſon of his, her or their Eſtate or Intereſt in the County where ſuch Ferries are kept.

Regulation of Ferry Keepers.

IV. AND for the better and more orderly keeping of public Ferries, *Be it further Enacted, by the Authority aforeſaid*, That the Court of every County, wherein ſuch Ferries are, or ſhall be appointed, ſhall have, and is hereby declared to have Authority of ordering and directing, what Boat or Boats, and the Number of Hands, which ſhall be kept at each Ferry reſpectively; and the Owner of the Land, whereon any ſuch Ferry is or ſhall be, ſhall, within Six Months after paſſing this Act, give Bond with one Surety, in the Court of the County, wherein ſuch Ferry is, and in the Penalty of Twenty Pounds, with Condition, That he will duly keep ſuch Ferry, or cauſe the ſame to be kept according to Law, and will give immediate Paſſage to all public Meſſengers and Expreſſes, when required from Time to Time; and in Caſe any ſuch Perſon ſhall neglect or refuſe to give ſuch Bond, or to cauſe the ſame to be given on his Behalf, he ſhall forfeit and pay Forty Shillings for every Month's Refuſal or Neglect, to the King, his Heirs and Succeſſors, for the better Support of this Government, and the contingent Charges thereof, recoverable with Coſts, by Action of Debt or Information, in any Court of Record, where the ſame ſhall be cognizable.

What ſhall be public Expreſſes.

V. AND for aſcertaining what ſhall be accounted public Meſſages and Expreſſes, *It is hereby Declared*, That all Expreſſes ſent by the Secretary of this Colony, or any Member of the Council, or by the Sheriff of any County, or a Commander in Chief, Colonel, Lieutenant-Colonel, or Major, to the Governor or Commander in Chief of this Dominion, for the Time being, or ſent by ſuch Governor or Commander in Chief, or by the Clerk of the Council, to any Perſon, or ſent by any Chief Militia Officer, to the Governor, or to the chief Commanding Officer of the Militia in the next County, to give Intelligence of the Approach of an Enemy, or which ſhall come from beyond Sea, directed to the Governor, or Commander in Chief of this Colony, ſhall be accounted public Meſſages and Expreſſes, and Ferry free, within the Condition and Meaning of the Bond aforeſaid, in Caſe ſuch Expreſſes be directed for his Majeſty's Service, and ſigned upon the

Super-

Superscription by the Person or Persons sending the same: And his Majesty's Receiver-General for the Time being, shall pay such Messenger, at the Seat of this Government, out of the Revenues of two Shillings *per* Hogshead on Tobacco, or Head-Money, Fort-Duties, Fines, or Rights, in ready Money, for every Mile he shall be sent forward on such public Message, Four Pence *per* Mile, for himself and Horse, in full Consideration for his going and returning; and where he shall be kept attending, by Order of the Governor or Commander in Chief, Five Shillings *per* Day for such Attendance. *Provided*, That such Messenger produce, from the Superscriber of such Express, a Certificate of the Messenger's Name, and Distance of Miles; and his Attendance shall also be certified by the Governor or the Clerk of the Council, before Payment of the said Reward: and if such Messenger be sent by Water, the same shall be paid for, at the Rate of Fifteen Pence *per* Day for the Boat, and two Shillings *per* Day, for each Man employed to go in her. Messenger's Allowance.

VI. *AND it is also hereby Enacted*, That Keepers of Ferries within this Dominion, shall give immediate Passage to the Adjutant-General of the Militia, or his Deputy, and one Servant, with their Horses, Ferry free: And also to all Constables and their Assistants, charged with conducting any Runaway Servant, or Slave, either to the public Goal, or to such Runaway's Master or Owner, without charging such Constable, or Assistants, for Ferriage either going or returning: But all such Ferriage, and the Ferriage of such Runaways, shall be paid by the County where the respective Ferries are kept, and repaid by the Public, and levied upon the Owners of such Runaways. Adjutant, and his Servant, Ferry free. And Constables conducting Runaways. How Runaways Ferriages shall be discharged.

VII. AND for Encouragement of Ferry Keepers, and in Consideration of setting over public Messengers, and the Persons exempted by this Act, *Be it further Enacted, by the Authority aforesaid*, That all the Men attending the said Ferries, be free of Public and County Levies, and from all other public Services of Musters, Constables, clearing Highways, Impressment, and other Things of like Nature; And that Keepers of Ferries shall not be chargeable with any Fee for giving Bond: And if the Court shall find it requisite or useful that an Ordinary be kept at any Ferry, they may licence such Ferry Keeper to keep Ordinary, without any Fee for the Licence, or obtaining the same, except half the Fee by Law allowed to the Governor, notwithstanding there be a sufficient Number of other Ordinaries in the same County: *Provided always*, That every Ferry Keeper so licensed to keep Ordinary, shall give Bond and Security, and be liable to the same Penalties as other Ordinary Keepers: And that if any other Person whatsoever shall for Reward, set any Person or Persons over any River or Creek, whereon public Ferries are by this Act appointed, he or she so offending, shall forfeit and pay Five Pounds current Money, for every such Offence, one Moiety to the Ferry Keeper nearest the Place where such Offence shall be committed, the other Moiety to the Informer, and if such Ferry Keeper inform, he shall have the whole Penalty, to be recovered with Costs, by Action of Debt or Information, in any County Court of this Dominion. Encouragements to Ferry Keepers. Penalty on other Persons taking Ferriage.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, except one Act made in the Eighteenth Year of his present Majesty's Reign, *For enabling the Justices of* Fairfax *and* Prince William *Counties, to levy Tobacco on the said Counties to support* Occoquan *Ferry*, shall be and are hereby repealed. Repealing Clause.

IX. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One. Commencement of this Act.

A. D. 1748.

CHAP. XVII.

An Act concerning Seamen.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That if any Seaman, or Sailor, belonging to any Ship or Vessel within this Dominion, shall run away, or absent himself from his Service on board, every such Seaman or Sailor may be taken up, or secured, and brought before a Justice of Peace of the County where taken, and by his Warrant committed to the next Constable, and conveyed from Constable to Constable, 'til he be put on board the Ship or Vessel to which he belongs; and the Constable so delivering him on board shall take a Receipt thereof, from the Master, Mate, or other Officer of such Vessel, which being by him produced to the Naval Officer of the District where such Vessel rides, before clearing out, shall intitle him to a Reward of Five Shillings, for every Runaway taken up Ten Miles, or under, from the Place where the Vessel rides, or Ten Shillings if above Ten Miles, to be paid by such Naval Officer, and reimbursed to him by the Master of such Ship or Vessel, at or before his clearing out; and such Justice shall also grant a Certificate to the Taker up, reciting his or her Name, the Name of the Runaway, and of the Ship or Vessel to which he belongs, the Place where taken up, and whether it is Ten Miles or more, or less, from such Ship or Vessel, and that the Taker up made Oath, before him, to the Place of Taking: Which Certificate being produced to the Naval Officer, as aforesaid, shall intitle the Taker to a Reward of Twenty Shillings, for every such Runaway taken at the Distance of Ten Miles or more, and Ten Shillings if under Ten Miles, to be paid and reimbursed as aforesaid: And if the Vessel to which such Runaway belongs shall be departed this Colony, before he is taken or can be put on board, he may be delivered to the Commander or Master of any other Ship, or Vessel, willing to receive him and pay the said Rewards: And that the several Naval Officers of this Dominion may pay the said Rewards, upon Certificates to them produced out of his Majesty's Revenue, of Two Shillings *per* Hogshead; provided due Care be taken that the same be reimbursed as by this Act before directed.

The Method of apprehending Runaway Seamen.

The Rewards.

II. AND to prevent Escapes, *Be it further Enacted, by the Authority aforesaid,* That if any Constable, or other Officer, charged with conducting a Runaway Sailor, or Sailors, shall wittingly, willingly, or negligently, suffer him, or them to escape, or shall not in due Time deliver such Receipt, as by this Act is required to be by him taken upon putting such Runaway on board, to the Naval Officer of the District, as is herein before directed, such Constable, or Officer, shall forfeit and pay Fifty Shillings current Money, for every such Offence, to the King, his Heirs and Successors, towards the better Support of this Government, and the contingent Charges thereof, recoverable with Costs, by Action of Debt, or Information, in any County Court.

Penalty on Officer suffering an Escape.

III. AND that if any Ordinary Keeper, or other Person shall at any Time, entertain, harbour, or conceal any Seaman, or Sailor, belonging to any Ship or Vessel, without good Proof of his being about lawful Business, such Ordinary Keeper shall forfeit and pay Fifty Shillings current Money, to the Informer, recoverable as aforesaid, or on Failure of present Payment, or Security for Payment within Six Months, shall receive Thirty Lashes on his, or her bare Back, well laid on, for such Offence: And if any Ordinary Keeper, or other Person, shall harbour, or entertain any Seaman, not producing a Certificate of his being discharged, under the Hand of his last Commander, or Master, such Offender shall be liable to the like Forfeiture and Punishment, recoverable in like Manner.

And on Persons harbouring Seamen.

IV. AND

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IV. AND for the better preventing the Desertion of Seamen, *It is hereby further Enacted*, That if any Seaman, belonging to a Ship or Vessel, within this Colony, shall without License of his Commander go on Shore, and absent himself from his Duty, every such Seaman shall for every such Offence, forfeit and pay Five Shillings current Money, to be recovered before any Justice of Peace, by the Master, or any of the Crew of the Ship or Vessel, to which such Seaman belongs, and on Failure of present Payment, or Security for Payment thereof out of his Wages, he shall receive Ten Lashes on his bare Back, well laid on: And that no Master of a Ship or Vessel within this Colony, shall hire, receive, or entertain any Seaman, without a Discharge under the Hand of his former Commander, under Penalty of Twenty Pounds current Money, for every Seaman so hired, received, or entertained, recoverable with Costs, by the Master or Owner, or Owners of the Vessel to which such Seaman belongs, by Action of Debt, in any Court of Record of this Dominion: And that no Seaman whatsoever, not being employed by his Commander, shall travel within this Colony, without Certificate, under the Hand of his last Master, or Commander, that such Seaman is by him discharged; and if any Seaman shall be found travelling without such Certificate, he may be taken up as a Runaway and conveyed on board, in the Manner herein before directed, and in such Case, the Persons taking up, and conveying such Seaman shall be entitled to the same Rewards, and liable to the like Penalties upon any Escape.

On Seamen, absent without Leave.

On Ship-Masters hiring Men without Certificates.

Seamen travelling without Certificate of Discharge, may be taken up.

V. AND *be it further Enacted, by the Authority aforesaid*, That if any Seaman, or other Person hired and sent in any Sloop, Boat, or other Vessel, for Delivery of Goods from on board, or fetching Tobacco or other Merchandize, shall disobey the lawful Commands of his Captain, or any Officer by him appointed for taking Charge of such Vessel, such Offender, upon Complaint and Proof thereof made before any Justice of Peace, shall have and receive Twenty Lashes on his bare Back, well laid on.

Disobedient Sailors, shall be whip'd.

VI. AND for preventing and punishing Mutinies happening on Ship-board, *It is hereby further Enacted, by the Authority aforesaid*, That if any Seaman, or other Person hired to serve on board any Ship or Vessel, shall obstinately refuse to obey the just Commands of his Captain, Mate, or other superior Officer, or shall lift his Hand against, or threaten any bodily Hurt, to them or either of them, or shall wilfully neglect his Duty, or refuse to work, not being disabled by Sickness or otherwise, it shall be lawful for any Two Justices of the Peace, one of them being of the Quorum, residing near the Place where the Vessel rides, upon Complaint to them made, to cause the Party so offending to be brought before them, together with the Witnesses desired by either Party, at some convenient Place near such Ship or Vessel, and summarily to hear and determine such Complaint, and upon due Proof of such Offence, to impose such Mulct or Fine on the Party offending, to be paid to the Party injured, as to them shall seem just, not exceeding Five Pounds current Money; and if the Nature of the Offence shall require it, to order and direct such corporal Punishment on the Offender, as they shall think fit: And if any Person so convicted shall not make present Payment, or give sufficient Security for the same to be made within Six Months, and also for his future good Behaviour, he shall receive on his bare Back, Thirty Nine Lashes, well laid on, and then be remanded to his Service on Board.

Process in Case of Mutinies.

VII. AND for redressing the just Complaints of Seamen against their Commanders, *Be it further Enacted, by the Authority aforesaid*, That every Master or Commander of any Ship or Vessel, within this Colony, shall provide and allow good and sufficient Diet and Accommodation, for all Persons under his Command, on board such Ship or Vessel, according to the usage in Merchant's Service; and also shall provide, or cause to be provided and furnished, the like sufficient Allowance of wholesome Victuals, to all Persons by him employed, or sent in Sloops, Boats, or other Vessels, for the Delivery or bringing on board of Goods or Merchandize, proportionably to the Distance of Place, and Length of

Duty of Commanders.

A. D. 1748.

Proceedings upon Sailors Complaints.

Time, the Persons so sent may reasonably be absent: And if any Master or Commander shall neglect or refuse so to do, upon Complaint thereof made to any Justice of Peace, residing near the Place where such Ship or Vessel rides, he is hereby impowered and required, to cause such Master or Commander to come before him, to answer such Complaint, and thereupon to order such Satisfaction to the Person or Persons injured, as to him shall seem just, and if necessary, thereupon to award Execution against the Body or Goods of such Commander: And that if any Master or Commander of a Ship or Vessel, within this Dominion shall immoderately beat, wound, or maim, any Seaman belonging to his Ship or Vessel, any Justice of Peace, upon Complaint thereof to him made, is hereby impowered and required, by Warrant under his Hand, directed to the Sheriff, or Constable, to cause such Master or Commander to be brought before him, and upon such Complaint being duly proved, to take sufficient Security for his good Behaviour, and moreover, such Master, or Commander shall be liable to the Action of the Party grieved, at the Common Law, for all Damages sustained by such Beating, Wounding, or Maiming.

In Cases of beating, wounding, &c.

Discharging sick or disabled Men.

AND that if any Master or Commander shall Discharge, or cause to be put on Shore, any sick or disabled Sailor or Sailors, belonging to his Ship or Vessel, or any Servant, without taking due Care for their Maintenance and Cure, he shall forfeit and pay Ten Pounds current Money, to the Churchwarden or Churchwardens of the Parish wherein such Sailor, or Sailors, or Servant, shall be put on Shore, to be recovered, with Costs, by Action of Debt, or Information, in any County Court, and applyed towards lessening the Parish Levy; and he shall also be liable to the Action of the Churchwardens of that, or any other Parish, wherein such Sailor, or Sailors, or Servant, shall become chargeable, for all Expences of Maintenance and Cure; in which Action no Statute or Act of Limitation shall be pleaded: And that every Master, upon discharging a Seaman from his Service, shall give him a Certificate under his Hand, that the Person therein named hath served on board his Ship, or Vessel, and is by him discharged; which shall be sufficient to indemnify any other Person hiring or entertaining such Seaman: And if any Master shall refuse, upon Request of the Party discharged, to grant him such Certificate, he shall forfeit and pay to such Party, Five Pounds current Money, recoverable, with Costs, before any Justice of Peace, who is hereby authorised to hear and determine the same, and thereupon to give Judgment and award Execution.

Master discharging a Seamen, shall give him a Certificate.

Saving to the Jurisdiction of the Admiralty.

VIII. *PROVIDED always*, That nothing in this Act contained, shall be construed to limit or restrain the Authority and Jurisdiction of the Lord High-Admiral of *Great-Britain*, the Vice-Admiral of this Dominion, or Judge of the Vice-Admiral, for the Time being, in any Matter or Thing properly cognizable in the Admiralty Court.

Repealing Clause.

IX. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Commencement of this Act.

X. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One.

CHAP.

A. D. 1748.

CHAP. XVIII.

An Act for the better securing the Payment of Levies, and Restraint of Vagrants, and for making Provision for the Poor.

Preamble.

I. WHEREAS divers idle and disorderly Persons, having no visible Estates or Employments, and who are able to work, frequently strole from one County to another, neglecting to labour, and either failing altogether to list themselves as Tithables, or by their idle and disorderly Life, rendring themselves incapable of paying their Levies when listed: For Remedy whereof,

No wandering Person shall be hired, or entertained without a Certificate.

II. *BE it Enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That it shall not be lawful to and for any Inhabitant of this Colony, to entertain, hire, or employ, in his or her House, above the Space of Forty Eight Hours, any Person or Persons whatsoever being Tithable, and removing from the Parish where he or she formerly resided, unless such Person shall first produce a Certificate, under the Hand of the Sheriff of the County, or the Churchwardens, or other Persons collecting the Levy of the Parish from whence he or she came, That such Person paid Levy there for the preceeding Year, or, That he or she came into this Colony since, or was a Servant at the Time of taking the last List of Tithables; and if any one shall entertain, hire, or employ, any Person or Persons whatsoever, being Tithable, not having such Certificate as aforesaid, he or she so offending, shall forfeit and pay Two Hundred Pounds of Tobacco, or Twenty Shillings Current Money, for every such Offence, to the Informer, recoverable before any Justice of Peace of the County where the Offence shall be committed: And if any Tithable Person, not having such Certificate, shall offer him or herself, or seek to be employed, he or she shall be liable to the like Penalties and Forfeitures, as Persons not listing themselves as Tithables, are liable to.

Vagabonds described.

III. *AND be it further Enacted, by the Authority aforesaid,* That all able bodied Persons, not having wherewithal to maintain themselves, who shall be found loitering, and neglecting to labour for reasonable Wages; all Persons who run from their Habitations, and leave Wives or Children without suitable Means for their Subsistance, whereby they are like to become burdensome to the Parish wherein they inhabit; and all other idle, vagrant, or dissolute Persons, wandering abroad, without betaking themselves to some lawful Employment, or honest Labour, or going about begging, shall be deemed and adjudged Rogues and Vagabonds.

The Manner of dealing with such.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any such Vagabond shall be found in any Parish or Place, wandering, begging, or misordering him or herself, it shall be lawful for any Justice of Peace of that County, and he is hereby impowered and required, by Warrant under his Hand, to cause such Vagabond to be brought before him, and to examine and inform himself, as well by the Oath and Examination of the Person apprehended, as of any other Person or Persons, which Oath or Oaths the Justice is hereby impowered to administer, and by any other Ways and Means he shall think proper, of the Condition and Circumstances of the Person or Persons so apprehended, and if it shall appear, That he or she is under the Description of Vagabonds, within this Act, the said Justice shall, by his Warrant, order and direct him or her to be conveyed and whipt, in the same Manner as Runaways are, from Constable to Constable, to the Parish wherein his Wife or Children do inhabit, or where he or she did last reside, as the Case shall be, aud there delivered to a Justice of the Peace, who is hereby required to cause every such Vagabond to give sufficient Security for his or her good Behaviour, and for betaking him or herself to some lawful Calling, or honest Labour; and if he or she shall fail so to do, then to commit him or her to the common Goal of the County, there to remain until such

Security

A. D. 1748.

Security be given, or until the next Court: Which Court is hereby impowered, if no Security be then offered, to bind such Vagabond to Service, on Wages, for the Term of one Year, and such Wages, after deducting the Charges of the Prosecution, and necessary Cloathing, shall be applied towards supporting the Family of such Servant, if any, or otherwise paid to the Person so bound, after his or her Time of Service is expired, in full of all other Recompence or Reward: But if any such Vagabond be of such evil Repute, that no Person will receive him or her into Service, in such Case, the Court shall order him or her to receive Thirty Nine Lashes on his or her bare Back, well laid on, at the public Whipping-Post, and then to be discharged; and in both Cases, every such Vagabond shall be afterwards liable to the like Prosecution and Punishment, for every Offence of Vagrancy, whereof he or she shall be guilty as aforesaid: and when any such Vagabond shall be brought before a Justice of the Peace, and it shall not appear to the said Justice, that he or she has acquired a legal Settlement in any Parish, the said Justice is hereby required to cause such Vagabond to give Security for his or her good Behaviour, and for betaking him or herself to some honest Calling or Employment, and on Failure thereof, shall commit him or her to the Goal of the County, there to remain, and be dealt with as is herein before directed.

What shall be a legal Settlement.

V. AND for determining all Disputes concerning what shall be accounted a legal Settlement, whereby any Person may be entitled to be provided for at the Parish Charge: *It is hereby Enacted and Declared*, That no Person shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such Parish, One whole Year.

The Method of sending poor People to their own Parish.

VI. *AND be it further Enacted, by the Authority aforesaid*, That upon Complaint made by the Churchwardens of any Parish, before a Justice of Peace, That any poor Person or Persons is or are come into their Parish, and likely to become chargeable thereto, it shall be lawful for such Justice, by Warrant under his Hand, to cause such poor Person to be removed to the Parish where he or she was last legally settled; but if such poor Person be sick or disabled, and cannot be removed without Danger of Life, the Churchwardens shall provide for his or her Maintenance and Cure, at the Charge of their Parish, and after Recovery shall cause him or her to be so removed; and the Parish, wherein he or she was last legally settled, shall repay all Charges occasioned by the Sickness, Maintenance and Cure of such poor Person, and also all Charges and Expences, if such Person shall die before Removal: And if the Churchwarden or Churchwardens of the Parish, to which such poor Person belongs, shall refuse to receive and provide for the Person or Persons removed by Warrant, as aforesaid, every Churchwarden so refusing, shall forfeit and pay Twenty Pounds current Money, One Half to our Sovereign Lord the King, for the Use of the Parish from whence the Removal was, and the other Moiety to the Informer; to be recovered by Action of Debt or Information, in any Court of Record of this Dominion, with Costs of Suit: And if the Vestry of the Parish, where such poor Person was last legally settled, shall refuse to pay and satisfy all the Charges and Expences aforesaid, in such Case, the Vestry of the Parish refusing shall be liable for the same to the Churchwardens of the Parish aggrieved, to be recovered with Costs, in any Court of Record, as aforesaid: And if any House Keeper shall entertain any such poor Person, and shall not give Notice thereof to the Churchwardens of the Parish, or one of them, within one Month, he or she so offending, shall forfeit and pay the Sum of Five Pounds, or One Thousand Pounds of Tobacco, to be recovered with Costs, by the Churchwardens for the Use of the Parish, by Action of Debt or Information, in any County Court.

Penalty on Churchwardens refusing to receive their Poor.

Remedy against Vestries not paying Charges.

Penalty for entertaining Poor, without giving Notice.

In what Cases, and by whom poor Children may be bound Apprentices.

VII. AND to prevent the evil Consequences attending the Neglect or Inability of poor People to bring up their Children in an honest and orderly Course of Life, *Be it further Enacted, by the Authority aforesaid*, That where any Person or Persons shall be, by their County Court, judged incapable of supporting and

and bringing up their Child or Children, in honeſt Courſes, or where it ſhall appear to the Court, That he, ſhe, or they, neglect to take due Care of the Education of his, her or their Child or Children, and their Inſtruction in the Principles of Chriſtianity, in any ſuch Caſe, it ſhall be lawful for the Churchwardens of the Pariſh, where ſuch Child or Children inhabit, by Order of their County Court, to bind every ſuch Child or Children Apprentices, in the ſame Manner, and under ſuch Covenants and Conditions as the Law directs for poor Orphan Children. *A. D.* 1748.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That all and every other Act and Acts, Clauſe and Clauſes heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed. Repealing Clauſe.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall commence and be in Force from and immediately after the Tenth Day of *June,* which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. XIX.

An Act directing the Duty of Surveyors of Land.

I. BE it *Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That all and every Perſon and Perſons, who now is, or are Surveyors of Land in any County of this Colony, or Aſſiſtant to ſuch Surveyor, ſhall within Three Months after the Commencement of this Act, and every Perſon thereafter to be appointed Surveyor, or Aſſiſtant, ſhall before his entring upon the Execution of ſuch Truſt or Office, in the Court of that County whereof he is, or ſhall be appointed Surveyor, or Aſſiſtant, enter into Bond with two ſufficient Sureties, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Sum of Five Hundred Pounds current Money, for the true and faithful Execution and Performance of his Office; and ſhall alſo then there make Oath, and ſwear, ‘ That he will truly and faithfully, to the beſt of his Knowledge and ‘ Power, diſcharge and execute his Truſt, Office, and Employment’; Which Bond and Oath, the Juſtices of every County Court reſpectively, are hereby authoriſed and required, to cauſe to be entred into, adminiſtred, and recorded: And if any Surveyor or Aſſiſtant, ſhall preſume to execute his Office, after the Commencement of this Act, before ſuch Bond and Oath by him entred into and taken, he ſhall not be entitled to demand or receive any Fee for the ſame, and every Survey, and other Matter or Thing, ſo by him done under Colour of his Office, ſhall be illegal and void. Surveyors and their Aſſiſtants, ſhall give Bond and Security. And be ſworn. Otherwiſe their Proceedings void.

II. *AND be it further Enacted, by the Authority aforeſaid,* That when any Perſon ſhall offer to enter with any Surveyor, within this Colony, for any Quantity of Land, not before granted by Patent, if the Surveyor ſhall refuſe to enter the ſame, pretending it to have been before entred by ſome other Perſon, in ſuch Caſe, the Surveyor ſhall produce his Book of Entries, to the Perſon offering to enter, and ſhew him the ſaid Entry, and alſo give an atteſted Copy thereof, if required; the Perſon demanding the ſame, paying for ſuch Copy, the Fee of Two Shillings and Six Pence and no more: And if any Surveyor ſhall refuſe to produce his ſaid Book, to any Perſon requiring the ſame, ſo as ſuch Demand be made at the Surveyor'sHouſe, or any other Place where his Book of Entries is; or ſhall refuſe to give a Copy of any Entry, or to enter any Land when required, where ſuch Entry ſhall be agreeable to, and not interfering with the Orders of the Governor in Council, relating to the taking up aud patenting of Lands; or ſhall refuſe, upon reaſonab[le] Rules in Entries for Land.

A. D. 1748.

Penalty on Surveyor, refusing to do his Duty.

Notice to him given, to survey and lay out any Lands, for any Person legally requiring the same, and which may lawfully be done; every Surveyor so refusing, shall forfeit and pay to the Party grieved, for his or her own Use, Twenty Pounds current Money, for every such Refusal.

How a Surveyor may enter Land for himself.

III. *AND be it further Enacted, by the Authority aforesaid,* That if any Surveyor, or Assistant, shall enter for Lands, either in his own Name, or in the Name of any other Person or Persons in his Behalf, or for his Use, such Entry shall be made before a Justice of the Peace, (not being an Assistant) of the County where the Lands lie, which Entry the said Justice shall return to the next Court, there to be recorded: And every Entry, or Survey thereupon made, by or for any Surveyor, or Assistant, after the passing of this Act, in any other Manner than is herein before directed, shall be illegal and void, and any other Person may enter, survey, and sue forth a Patent for the same Land.

Rules in special Cases.

IV. *AND be it further Enacted, by the Authority aforesaid,* That where any Entry hath been, or shall be made, for less than Four Hundred Acres of Land, and before surveying the same, the Person or Persons, by or for whom such Entry was or shall be made, shall duly enter for more Land, adjoining thereto, not exceeding in the whole Four Hundred Acres, the Surveyor shall not be entitled to any larger Fee for the Survey thereof, than if the whole Quantity had been entered for at first: And where Lands to be surveyed, shall lie in Two Counties, or Districts, such Lands shall be surveyed by the Surveyor of that County, or District, wherein the greatest Part lies: And where it shall happen that the Title or Bounds of any Tract of Land, lying in Two Counties, or Districts, shall be in Controversy, so as to occasion a Survey thereof, by Direction of the Court wherein such Controversy shall be depending, altho' the Surveyors of both Counties or Districts, shall attend such Survey, yet they shall not be entitled to demand or receive any more, than as if the Service had been done by one Surveyor only: And if any Assistant-Surveyor shall presume to make, or take any Entry or Entries, for any Person or Persons whatsoever, he shall, for every such Offence, forfeit and pay Five Pounds current Money, to the Informer, recoverable in any Court of Record of this Dominion, wherein the same shall be cognizable, by Action of Debt, or Information; and moreover such Offence shall be deemed a Forfeiture of the Bond of such Assistant.

Assistant-Surveyor may not make or take any Entry.

V. AND to prevent Disputes about the Priority of Entries for Land, and for the greater Conveniency of the People, in reparing from Time to Time to the Surveyors of their respective Counties, or Districts, to make Entries for unpatented Lands, *Be it further Enacted, by the Authority aforesaid,* That there shall be but one Surveyor, with whom Entries for Lands shall be made, for each of the several Counties of *Brunswick*, *Amelia*, *Orange*, *Albemarle*, *Augusta*, and *Louisa*, and such Surveyor, and all and every Surveyor and Surveyors of the County of *Lunenburg*, shall be resident in such County, or District respectively, whereof he is Surveyor, during the Time he shall continue in Office, on Penalty of forfeiting Ten Pounds current Money, for every Month he shall reside out of the same, one Moiety of which shall be to the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, and the other Moiety to the Informer.

In what Counties the Surveyors thereof shall reside.

Penalty, 10 *l. per* Month.

VI. *AND be it further Enacted, by the Authority aforesaid,* That every Surveyor, making a Survey of Land, shall see the same plainly bounded, by natural Bounds, or marked Trees, and within Five Months after Survey, shall deliver to his Employer a Plot and Certificate thereof, and shall also enter, or cause to be entered, in a Book well bound, to be ordered and provided by the Court of his County, at the County Charge, a true, correct, and fair Copy and Plot of every Survey by him made, during his Continuance in Office, within Two Months after making the same, and certify the Name or Names of the Person or Persons for whom any Survey is made, the true Quantity of Land therein contained, the

Surveyor's Duty, in making Surveys, entering Plots, *&c.*

Parish

Parish or Place where it lies, the Rivers, Creeks, and Water-Courses, and the true Boundaries natural or artificial, and the Plantations or Lands next adjoyning; and also, shall annually, in the Month of *June*, return a true and perfect List of all Surveys by him made, to his County Court Clerk's Office, to be recorded upon Penalty of forfeiting, for every Default in any of the Premises, Two Thousand Pounds of Tobacco, one Half to the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof, and the other Half to the Informer: And every County Court respectively is hereby declared to have full Power and Authority, at any Time when they think fit, to appoint Two or more capable Persons of their County, to view and examine their Surveyor's Book of Surveys, and to report to them how the same is kept: And upon the Death or Removal of any Surveyor, to retake his Book of Surveys, and cause the same to be preserved among the County Records, or delivered to the next Surveyor, as in their Discretion they think best.

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Penalty in Case of Failure.

County Courts may order their Surveyor's Book to be inspected. And preserved among the Records.

VII. *AND be it further Enacted, by the Authority aforesaid,* That no Survey shall be made without Chain-carriers, to be paid by the Party demanding the Survey, and sworn, 'To Measure justly and exactly, to the best of their 'Knowledge, and to deliver a true Account thereof to the Surveyor': Which Oath every Surveyor is hereby impowered and required to administer.

No Survey without sworn Chain-carriers

VIII. *AND be it further Enacted, by the Authority aforesaid,* That all Entries for Land, legally made, shall stand good, until Notice given by the Surveyor in Writing, publickly affixed at the Court-House of his County, on Two successive Court Days, and where the Party claiming lives in another County, then in like Manner in that County also, that he is ready to proceed to the Survey thereof: And if the Party claiming, his Heirs or Assigns, shall not, within One Month after such Notice, attend the Surveyor, with all Necessaries for making such Survey, and give him timely Warning thereof, the Entry or Entries, claimed by such Party, shall be void, as if such Entry had never been made.

Notice of Surveying must be given.

Entries of Persons, not attending within 1 Month after Notice, void.

IX. AND for preventing hasty and surreptitious Grants, and avoiding Controversies and expensive Law-Suits, *Be it further Enacted, by the Authority aforesaid,* That no Surveyor shall at any Time issue or deliver any Certificate, Copy, or Plot of Land by him surveyed, except only to the Person or Persons for whom the same was surveyed, or to his, her, or their Order; unless such Person or Persons shall refuse to pay the Surveyor's Fees for making such Survey, to be proved by the Sheriff's Return, upon the Surveyor's Account delivered him to collect, that the Party has no Effects in his Bailiwic whereupon he can levy the same, or, unless such Party shall have legally forfeited his, or her Right to the Land entered for, to be proved by an authentic Copy of the Order of Council, declaring such Forfeiture, produced to the Surveyor: And if any Surveyor shall presume to issue any Certificate, Copy, or Plot, as aforesaid, to any other than the Person or Persons entitled thereto, every Surveyor so offending shall forfeit and pay to the Party injured, his, or her legal Representatives or Assigns, Five Hundred Pounds of Tobacco, for every Hundred Acres of Land contained in the Survey, whereof a Certificate, Copy, or Plot, shall be so issued, or shall be liable to the Action of the Party injured, at the Common Law, for his, or her Damages, at the Election of such Party.

Surveyor shall not issue a Plot or Copy, to any but the Owner.

Exceptions.

Penalty.

X. *AND be it further Enacted, by the Authority aforesaid,* That no Surveyor, for any Fees due to him by Virtue of his Office, shall presume to take, directly or indirectly, in his own Name, or in the Name of any other Person in Trust for him, any Obligation, Specialty, Note, or other Security, from any Person whatsoever, for the Payment of any Sum or Sums of Money, in Lieu of such Fees; and that all Specialties, Notes, or Securities, taken contrary to this Act, shall be void, and no Action or Suit shall be maintained thereon: And if any Action or Suit shall be brought upon such Specialty, Note, or Security, the Defendant may plead this Act in Bar thereof, and the Plaintiff shall join Issue upon such

Money Securities for Surveyors Fees void.

A. D. 1748.

ſuch Plea, and upon Trial thereof the *Onus Probandi*, as to the Conſideration for which ſuch Specialty, Note, or Security was given, ſhall lie upon the Plaintiff.

How the Penalties may be recovered.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That all the ſeveral Penalties and Forfeitures, by this Act laid, given, or inflicted, ſhall and may be recovered, with Coſts, by Action of Debt, or Information, in any Court of Record of this Dominion wherein ſuch Penalty ſhall be cognizable: And that all and every other Act and Acts, Clauſe and Clauſes, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be, and are hereby repealed.

Repealing Clauſe.

Commencement of this Act.

XII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall commence and be in Force, from and immediateby after the Tenth Day of *June*, which ſhall be in the Year of Our Lord, One Thouſand Seven Hundred and Fifty One.

CHAP. XX.

An Act for preventing Treſpaſſes, by unruly Horſes, Cattle, Hogs, Sheep, or Goats, and by taking away Boats or other Veſſels.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That if any Horſes, Mares, Cattle, Hogs, Sheep, or Goats, ſhall break into any Grounds, being incloſed with a ſtrong and ſound Fence, Five Feet high, and ſo cloſe that the Beaſts breaking into the ſame could not creep through, or with an Hedge Two Feet high, upon a Ditch Three Feet deep, and Three Feet broad, or, inſtead of ſuch Hedge, a Rail-Fence, of Two Feet and a Half high, the Hedge or Fence being ſo cloſe that none of the Creatures aforeſaid can creep through, which ſhall be accounted a lawful Fence, the Owner of ſuch Horſes, Mares, Cattle, Hogs, Sheep, or Goats, or any one of them, ſhall for the Firſt Treſpaſs ſo committed, make Reparation to the Party injured, for the true Value of the Damage he ſhall ſuſtain; and for every Treſpaſs afterwards double Damages, to be recovered with Coſts, in any Court of Record of this Dominion, wherein the ſame ſhall be cognizable.

What ſhall be a lawful Fence

Penalty on the Owner of Beaſts breaking ſuch Incloſure.

Where the Party injured may ſue for Damages, or deſtroy the Beaſts.

II. *PROVIDED nevertheleſs,* That for a Third Offence of any one or more of the Beaſts aforeſaid, breaking into ſuch Incloſures, it ſhall be at the Election of the Party injured, to ſue for his Damages, or to kill and deſtroy the Beaſts ſo treſpaſſing without being anſwerable for the ſame.

How the Fence ſhall be viewed.

III. AND that the Condition of the Fence at the Time of the Treſpaſs committed, may be proved to a Jury upon Trial, *It is hereby further Enacted,* That upon Complaint made by the Party injured, before any Juſtice of Peace of that County, wherein ſuch Treſpaſs ſhall be, ſuch Juſtice is hereby impowered and required to iſſue his Order without Delay, to Three honeſt Houſe-Keepers of the Neighbourhood, no Ways related to the Party injured, nor intereſted concerning the Treſpaſs, reciting the Complaint, and requiring them to view the Fence where the Treſpaſs is complained of, and to take Memorandums of the ſame, and their Teſtimony in ſuch Caſe, ſhall be good Evidence to the Jury, as touching the Lawfulneſs of the Fence.

Penalty for hurting Beaſts, in Grounds not ſufficiently fenced.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Perſon, damnified for want of ſuch ſufficient Fence, ſhall hurt, wound, lame, kill, or deſtroy, or cauſe to be hurt, wounded, lamed, killed, or deſtroyed, by ſhooting, hunting with Dogs, or otherwiſe, any of the Kind, or Breed of Horſes, Cattle, Sheep, Goats, or Hogs, he, ſhe, or they, ſo offending, ſhall pay and ſatisfy to the Owner of the Creature, ſo hurt, wounded, lamed, killed, or deſtroyed, double Damages, with Coſts, recoverable as aforeſaid, except the Damage

mage alledged to be under Twenty Five Shillings, and then recoverable before any Justice of Peace, of the County where the Damage was done. A. D. 1748.

Reward for taking up Beasts known to have barked Fruit-Trees.

V. *AND be it further Enacted, by the Authority aforesaid,* That all Owners of Horses, Mares, Cattle, or other Beasts, which they know to have barked Fruit-Trees, shall keep the same within their own fenced Ground; and if any Person shall take up any Horse, Mare, Kine, or other Beast, known by the Owner to have barked Fruit-Trees, and shall deliver the same to such Owner, he, or she, shall pay the Taker up, One Hundred Pounds of Tobacco, for every such Beast, so taken up and delivered, recoverable with Costs, before any Justice of the County wherein such Beast was taken up, or the Owner lives: *Provided always,* That the Taker up shall, if required, make Oath before the same Justice, that he took up such Horse, Mare, or other Beast, and that no Means were used by himself, or any other Person to his Knowledge, to set the same at large, otherwise he shall lose the said Reward.

Penalty for taking Boats or other Vessels.

VI. *AND be it further Enacted, by the Authority aforesaid,* That every Person who shall, without Leave of the Owner, take away any Boat, or other Vessel, shall for every such Offence, pay Five Hundred Pounds of Tobacco, to the Owner thereof, over and above the Damage such Boat or Vessel shall sustain, and over and above the Charge of bringing back the Vessel; to be recovered, with Costs, in any Court of Record, as aforesaid; and if the Person so trespassing be a Servant, he, or she, shall make the like Satisfaction, by his, or her Service, when the Time due to his, or her Master, or Owner shall be expired, and where there shall be several Offenders in one Trespass, every Person shall be liable for the whole Penalty.

Repealing Clause.

VII. *AND be it further Enacted, by the Authority aforesaid,* That One Act made in the Fourth Year of Queen *Anne*, intituled, *An Act for Prevention of Trespasses, by unruly Horses, Cattle, Hogs, Sheep, and Goats, and by taking away Boats, and Canoes,* shall be, and is hereby repealed.

Commencement of this Act.

VIII. *AND be it further Enacted,* That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One.

CHAP. XXI.

An Act concerning Tithables.

Who shall be tithable.

I. BE *it Enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That all Male Persons of the Age of Sixteen Years and upwards, and all Negroe, Mulatto, and Indian Women of the same Age, except Indians Tributary to this Government, and all Wives of Free Negroes, Mulattos, and Indians, except as before excepted, shall be and are hereby declared to be tithable, and chargeable for defraying the Public, County, and Parish Levies, of this Colony and Dominion, excepting such only as the County Courts, for charitable Reasons appearing to them, shall think fit to excuse.

Persons exempted.

II. *PROVIDED always,* That nothing herein contained shall be construed to extend to the Governor, or Commander in Chief of this Colony, for the Time being, and his domestick Servants; or to the President, Masters, Scholars, and domestick Servants, of the College of *William* and *Mary*; or to the Person of any beneficed Minister within this Colony; or to the Person of any Constable, so long as he continues in his Office; so as to charge them, or any of them, as Tithables within the Meaning of this Act.

A. D. 1748.

How the Age of Children imported, shall be adjudged.

III. AND for ascertaining the Age of Children imported into this Colony, *Be it further Enacted, by the Authority aforesaid,* That the Owner or Purchaser of every imported Child, being a Servant or Slave, and the Parent or Importer of every free Male Child, shall bring him or her before the Court of that County wherein such Child shall be resident, at the first, second, or third Court held, after his or her Importation, and the Age of such Child, being then there adjudged by the Court, and recorded, shall be deemed and taken to be the true Age thereof, in respect to his or her becoming tithable, otherwise every such Child shall be immediately tithable, altho' not Sixteen Years of Age.

The Method of listing Tithables.

IV. AND for the regular Listing all tithable Persons, *Be it further Enacted, by the Authority aforesaid,* That the Court of every County respectively, shall divide the same into convenient Precincts, and annually, before the Tenth Day of *June*, appoint one of the Justices for each Precinct, to take a List of the Tithables therein; and every such Justice shall, before that Day, give Public Notice of his being so appointed, and at what Place or Places he intends to receive the Lists, by Advertisement thereof, affixed to the Church-Door of the Parish wherein his Precinct lies, and shall accordingly attend on the said Tenth Day of *June*, if it be not *Sunday*, and then on the next Day, and in *August* Court next following shall deliver a fair List, of the Names and Numbers of the Tithables, together with the Vouchers by him taken, to the Clerk of the Court, who, on the next Court Day, shall set up fair Copies of such Lists in his Court-House, there to remain during the Sitting of that Court, for the Inspection of all Persons, and the better Discovery of such as shall be concealed: And if any Justice so appointed shall refuse to take, or shall fail to return such List, and Vouchers, as aforesaid, he shall forfeit and pay Two Thousand Pounds of Tobacco, one Moiety to the King, his Heirs and Successors, for the Use of the County wherein such Failure, or Refusal shall be, towards lessening the County Levy, and the other Moiety to the Informer, to be recovered with Costs, by Action of Debt, or Information, in any County Court of this Dominion.

Penalty on Justices not taking and returning the Lists.

On Persons not listing their Tithables.

V. AND that every Master, or Owner of a Family, or in his Absence, or Non-residence at the Plantation; his or her Agent, Attorney, or Overseer, shall on the said Tenth Day of *June*, by a List under his or her Hand, deliver, or cause to be delivered, to the Justice appointed for that Precinct, the Names and Number of all tithable Persons abiding in, or belonging to his or her Family, the Ninth of *June*; or the Master or Owner thereof, or in Case of his or her Absence, or Non-residence upon the Plantation, the Overseer, shall be adjudged a Concealer of such and so many Tithables as shall not be listed and given in, and for every tithable Person, so concealed, shall forfeit and pay Five Hundred Pounds of Tobacco, one Moiety to the King his Heirs and Successors, for the Use of the Parish wherein such Concealment shall be, the other Moiety to the Informer, to be recovered with Costs, by Action of Debt, or Information, in any Court of Record where the same shall be cognizable: And when any Overseer shall fail to list the Tithables upon the Plantation, whereof he is Overseer, the Master or Owner shall be subject to the Payment of their Levies, in the same Manner as he would have been if they had been listed: And if any Justice, appointed to take the List of Tithables, shall not truly enter and list the Names, and Number of his own Tithables in that Precinct, in the List he gives in, he shall be adjudged a Concealer, and for every tithable Person so by him concealed and not listed, shall forfeit and pay One Thousand Pounds of Tobacco, to be applyed, and recovered, as aforesaid.

Owner liable where the Overseer fails to list.

On the Justice not listing his own Tithables

Lists may be given in before *June* 30.

VI. *PROVIDED nevertheless,* That if any Owner or Overseer shall happen, by Sickness, Absence, or Ignorance of the Person, or Place, to omit delivering his or her List on the said Tenth Day of *June*, to the Justice appointed to take the same, it shall be lawful for such Person, to deliver or send his or her List to the

the Houſe of ſuch Juſtice, at any Time before the laſt Day of the ſaid Month, which ſhall diſcharge him or her from the Penalty aforeſaid. *A. D.* 1748.

VII. AND whereas ſome Perſons, being Owners of Plantations in different Counties and Pariſhes, when they have been apprehenſive, That the Levies would run high in one of thoſe Counties or Pariſhes, by Reaſon of Public Buildings, or other Emergencies, have removed their Tithables ſome ſmall Time before the Ninth of *June*, out of ſuch County or Pariſh, to ſome other Plantation in another County or Pariſh, and in a ſhort Time afterwards have cauſed the ſame, or other Tithables in their Room, to return to the County or Pariſh from whence they were removed: For preventing ſuch fraudulent Practices, *Be it further Enacted, by the Authority aforeſaid,* That if any Maſter, Owner, or Overſeer, ſhall remove his or her Tithables, from one Plantation to another, with Intent to avoid the Payment of Levies in the County or Pariſh from whence they are ſo removed, and ſhall afterwards cauſe the ſame or other Tithables in their Room, to return to the Plantation from whence they were removed, in the Manner herein before mentioned, every ſuch Maſter, Owner, or Overſeer, ſhall be adjudged, and is hereby declared to be a Concealer of the Tithables ſo removed, and ſhall be liable to the Penalties by this Act inflicted for concealing or not liſting Tithables, to be recovered and applied as is herein before directed.

What ſhall be a fraudulent Removal of Tithables.

VIII. AND for the Eaſe and Encouragement of Mariners, and ſeafaring Perſons, *Be it further Enacted, by the Authority aforeſaid,* That all Mariners and ſeafaring Perſons, not being Freeholders, commonly employed in Navigation, and who actually pay towards the Support of *Greenwich* Hoſpital, out of their Wages, ſhall be and are hereby exempted from being liſted as Tithables, and from paying any Public, County, or Pariſh Levy.

Mariners not tithable.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That one Act made in the Fourth Year of Queen *Anne*, intituled, *An Act concerning Tithables*, and one other Act, made in the Twelfth Year of his Preſent Majeſty's Reign, *For amending the ſaid Act*, and every other Act and Acts, Clauſe and Clauſes, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be, and are hereby repealed.

Repealing Clauſe.

X. *AND be it further Enacted,* That this Act ſhall commence and be in Force, from and immediately after the Tenth Day of *June*, which ſhall be in the Year of Lord, One Thouſand Seven Hundred and Fifty One.

Commencement of this Act.

CHAP. XXII.

An Act to prevent the clandeſtine Tranſportation, or carrying of Perſons in Debt, Servants, or Slaves, out of this Colony.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the the Authority of the ſame,* That no Maſter of a Ship, or other Veſſel, ſhall tranſport or carry any Perſon whatſoever out of this Colony and Dominion, without a Licence, or Paſs for the ſame, ſigned by the Secretary of this Colony, for the Time being or ſuch other Perſon as he ſhall depute and authoriſe for that Purpoſe, upon Penalty of anſwering and paying every Debt and Duty ſuch Perſon, at his or her Departure out of this Colony, ſhall owe, or ſtand obliged for, to the King, his Heirs and Succeſſors, or to any of the Inhabitants, Merchants, or Traders here, by Judgment, Bond, Bill, Covenant, Account, or any other Ways or Means whatſoever, to be recovered againſt ſuch Maſter, by Action of Debt, in any Court of Record within this Dominion: And that no Maſter of a Ship, or any other Veſſel, ſhall tranſport or carry any Servant whatſoever, or any Negroe, Mulatto, Indian or other Slave, out of this Colony, without the Conſent or Permiſſion of the

Penalties on Ship-Maſters, tranſporting any Perſon without Licence.

A. D. 1748.

the Person or Persons to whom such Servant or Slave doth of Right belong, upon Penalty of forfeiting and paying, in current Money, Fifty Pounds for every Servant, and One Hundred Pounds for every Slave, transported or carried hence contrary to this Act, one Moiety to our Sovereign Lord the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, and the other Moiety to the Owner of such Servant, or Slave; to be recovered with Costs, by Action of Debt, or Information, in any Court of Record of this Dominion: And moreover, such Master shall be liable to the Suit of the Party grieved, at the common Law, for his or her Damages.

The Master may be sued at any Time, and held to special Bail.

II. AND that every such Master, offending in any of the Cases aforesaid, shall be liable to be sued at any Time, for any Debt due and owing from the Person so transported, and for any Forfeiture and Damages accruing due from himself by Virtue of this Act: And whensoever any such Action or Suit shall be brought against him, the Court wherein the same shall be depending, may rule the Defendant to give special Bail, if they see Cause, and shall not allow him to plead in Bar, or give in Evidence, any Act or Statute of Limitation, any former or other Law, to the contrary, notwithstanding.

Shall be sworn

III. *AND be it further Enacted, by the Authority aforesaid,* That every Master of a Ship, or Vessel shall, at the Time of his clearing, and before he shall be cleared out hence, before the Officers of the Customs in the Port where the Vessel rides, take the following Oath.

His Oath.

I A. B. *Master of the Ship (or Vessel)* C. *do swear, That I will make diligent Inquiry and Search in my said Ship, (or Vessel) and will not knowingly, or willingly carry, or suffered to be carried in my said Ship, (or Vessel) out of this Dominion, without such Pass as is directed by Law, any Person or Persons whatsoever, that I shall know to be removing hence in order to defraud their Creditors, nor any Servant, or Slave, that is not attending his or her Master, or Owner.*

Mate & Boatswain shall also be sworn.

AND every Mate and Boatswain of a Ship, or Vessel, shall take an Oath to the same Effect: Which Oaths the respective Officers of the Customs, are hereby impowered and required to administer.

PROVIDED always, That the taking of the said Oath shall not discharge such Master from any of the Penalties to which he is liable by this Act.

Penalties on Persons who forge or counterfeit a Pass.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person, not being a Servant, or Slave, shall forge or counterfeit any Pass, in order to procure a Transportation out of this Colony, he or she, so forging or counterfeiting, shall forfeit and pay Ten Pounds current Money, one Moiety to his Majesty, his Heirs and Successors, towards the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Informer, recoverable by Action of Debt, or Information, in any County Court, with Costs of Suit; and moreover, every such Offender shall stand in the Pillory for the Space of Two Hours, on a Court-Day, at the Court-House of the County where he or she shall be convicted; and if any Servant shall forge or counterfeit such Pass, or make use of the same, knowing it to be such, in order to obtain a Transportation, or to escape out of this Colony, by Land or Water, he or she so offending, and being thereof convicted, shall stand in the Pillory Two Hours, as aforesaid, and receive Thirty Lashes on his or her bare Back, well laid on, at the Whipping-Post.

The Manner of obtaining a Pass.

V. *AND be it further Enacted, by the Authority aforesaid,* That it shall not be lawful for the Secretary, or any Deputy by him appointed, to grant a Licence, or Pass, for transporting or carrying any Person whatsoever out of this Colony, unless Bond, with Two sufficient Sureties, be given to the Secretary of this Dominion, in the Sum of Two Thousand Pounds *Sterling*, with Condition, to answer

answer and pay every Debt and Duty the said Person, at going out of this Colony, shall owe or stand obliged for, by any Ways or Means whatsoever; or, unless such Person shall produce a Certificate from a County Court Clerk, in the Form following, "I *A. B.* Clerk of County Court, do hereby certify, "That *C. D.* is, and for some Time past hath been, an Inhabitant of this County, and hath published his Intention of going out of this Colony, according to "Law, dated *&c.*" But it shall not be lawful for any County Court Clerk to issue such Certificate 'til Ten Days after Publication hath been made in his County, of the Party's Intention to go out of this Colony, by a Note thereof set up at the County Court-House, on a Court-Day: And notwithstanding such Certificate obtained, if a Caveat be entered in the Secretary's Office, to hinder a Licence or Pass being issued, and Bond given, with one sufficient Surety, for Five Hundred Pounds current Money, payable to the Secretary of this Dominion, by the Party entering such Caveat, with Condition, to answer and pay all Damages which the Party stopped shall recover, it shall not then be lawful for the Secretary, if such Caveat be entered with him, or any of his Deputies with whom the same shall be entered, to grant a Licence or Pass, unless the Party so stopped shall give Counter-Bond, with one sufficient Surety also, to the Secretary of this Dominion, for double the Sum claimed by the Person entering the Caveat, with Condition, To answer and pay whatsoever the said Person shall recover of his pretended Claim; *Provided always*, That the said Sureties, and all other Sureties for Persons going out of this Colony, after the Expiration of Two Years from the Time of their becoming such Sureties, shall be discharged from all Claims and Demands whatsoever, for which no Suit shall be commenced or prosecuted within that Time.

A. D. 1748.

How a Caveat may be entered and allowed.

If no Suit within 2 Years the Sureties discharged.

VI. *AND be it Enacted*, That the Secretary, or his Deputy, to whom any Certificate for obtaining a Pass shall be presented, shall in no Case return the said Certificate to the Person bringing it, but shall file it in his Office.

Certificates shall be filed in the Secretary's Office.

VII. AND for the more easy obtaining a Licence, or Pass, *It is hereby further Enacted*, That the Secretary of this Dominion, for the Time being, shall appoint and keep within each District of this Colony, at least one Deputy, for granting Licences or Passes according to this Act, to any Person or Persons within such District, legally requiring the same: And if, for the Space of Two Months after Publication of this Act, he shall fail to appoint such Deputies, or, having appointed them, shall not certify their Names, to the several County Court Clerks, or shall fail, within Two Months after any Vacancy, to appoint another Deputy and certify the same as aforesaid, he shall forfeit and pay Fifty Pounds current Money for every such Failure, one Moiety to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof, the other Moiety to him, her, or them that shall inform, or sue for the same, in any Court of Record within this Dominion.

The Secretary shall appoint Deputies, to grant Passes.

Penalty on Failure.

VIII. AND that if any Person desirous to go out of this Dominion, in order to obtain a Licence or Pass, shall offer to give Bond with sufficient Sureties, or produce a County Court Clerk's Certificate, according to this Act, and the Secretary, or his Deputy shall refuse, upon Request, to grant a Licence or Pass, no Caveat being entered according to this Act, the Secretary, or his Deputy, so refusing, shall forfeit and pay Five Hundred Pounds current Money, one Moiety to his Majesty, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Party grieved, prosecuting within Twelve Months next after such Refusal, to be recovered, with Costs, by Action of Debt, in any Court of Record of this Dominion.

And on Refusal to grant a Pass.

Prosecution in 12 Months.

IX. AND to the End every Master of a Ship, or other Vessel, lawfully transporting any Person out of this Colony, may be enabled to manifest the same,

A. D. 1748.

Certificates & Passes, shall be registered.

same, if questioned, after he has lost his Licence or Pass, *Be it further Enacted, by the Authority aforesaid,* That every County Court Clerk shall register, in his Office, all Certificates by him issued from Time to Time pursuant to this Act: That the Secretary's Deputies shall, in *October* General Court annually, return to the Secretary's Office, a List of all Licences or Passes by each of them respectively issued the preceeding Year: That the Clerk of the said Office shall register the same, as soon as they come to his Hands, or within a reasonable Time thereafter: That if the Secretary himself shall grant any Licence, or Pass, he shall cause the same to be registred in his Office within a Year after granting it: And that if any of the Persons aforesaid shall at any Time fail in any particular of him or them respectively as aforesaid required, every such Person shall forfeit and pay Five Hundred Pounds current Money, for every such Failure, one Moiety to the King, his Heirs and Successors, for the Use aforesaid, the other Moiety to the Informer, recoverable in Manner aforesaid.

Penalty on Failure.

Repealing Clause.

X. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

XI. *AND be it further Enacted,* That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. XXIII.

An Act for Prevention of Abuses in Tobacco shipped on Freight.

Masters of Ships intending to load Tobacco, shall give Bond, & make Oath, not to injure Tobacco Cask.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That every Master of a Ship or Vessel in this Colony, intending to take Tobacco on board, before his obtaining a Permit for the same shall give Bond, to the King, his Heirs and Successors, in the Sum of Two Hundred Pounds current Money, with Condition, That he will not crop, cut away the Bulge, draw the Staves, or otherwise abuse or injure any Tobacco Cask, freighted in his Ship or Vessel, nor cause or suffer the same to be done, with his Knowledge, Privity, or Procurement, without the Approbation and Consent of the Freighter or Freighters; and shall also make Oath and swear, or being a Quaker, solemnly affirm and declare, to the same Effect; which Bond, and Oath or Affirmation, the Naval Officer of the District wherein such Ship or Vessel rides, is hereby authorised and required to take and administer: And if any Naval Officer shall grant any Permit to load Tobacco, before such Bond given, or Oath or Affirmation made, he shall forfeit and pay Two Hundred Pounds current Money, one Moiety to the King, his Heirs and Successors, for and towards the better Support of this Government and the contingent Charges thereof, the other Moiety to the Informer, recoverable with Costs, by Action of Debt or Information, in any Court of Record of this Dominion.

Penalty on Officer granting Permit, before Bond and Oath taken.

On Officers & Men on board, injuring Tobacco Cask.

II. *AND be it further Enacted, by the Authority aforesaid,* That if any Officer, Mariner, or other Person, belonging to or hired on board any Ship or Vessel taking in Tobacco, shall crop, cut away the Bulge, draw the Staves, or otherwise abuse or injure, any Tobacco Cask freighted on board, without the Approbation and Consent aforesaid, or shall be aiding or assisting therein, every such Offender shall forfeit and pay Five Pounds current Money to the Informer, to be recovered with Costs, by Action of Debt, or Information, in any County Court, whereupon the Defendant may be held to special Bail, and the Fact may be laid in any County where the Defendant or Defendants shall be arrested, without

Defendant may be held to Bail.

without Liberty of Traverſe: And if there be ſeveral Offenders in the ſame Fact, each Perſon ſhall pay the whole Penalty, and the Maſter of ſuch Ship or Veſſel ſhall alſo be liable to the Action of the Party injured, for his or her Damages.

Parties in the Fact may be Evidences, or Informers, & thereby indemnifyed.

III. AND that for the better Diſcovery of the Truth, every Mariner, ſummoned and appearing as a Witneſs, ſhall be allowed to give Evidence, and thereby diſcharged of Proſecution for the ſame Fact: And if any Mariner whatſoever, in ſuch Offence, ſhall be the Informer, ſuch Information ſhall indemniſy him from all Accuſation or Penalty for the ſame.

Penalty on Perſons oppoſing a Search.

IV. AND that it ſhall be lawful for any Collector, Naval Officer, Searcher, or any Perſon having Tobacco on board, to go on board ſuch Ship or Veſſel, in the Day Time, during her Loading, to ſearch and diſcover whether any Breach has been made of this Act: And if any Maſter, Officer, or Mariner, ſhall hinder or oppoſe ſuch Search, he ſhall for every ſuch Offence, forfeit and pay Ten Pounds current Money, one Half to the King, his Heirs and Succeſſors, for the better Support of this Government and the contingent Charges thereof, the other Half to the Informer, recoverable with Coſts, by Action of Debt or Information, in any County Court.

Repealing Clauſe.

V. *AND be it further Enacted, by the Authority aforeſaid,* That one Act made in the Ninth Year of Queen *Anne, For Prevention of Abuſes in Tobacco ſhipped on Freight*; and all and every other Act and Acts, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be, and are hereby repealed.

Commencement of this Act.

VI. *AND be it further Enacted,* That this Act ſhall commence and be in Force, from and immediately after the Tenth Day of *June*, which ſhall be in the Year of Our Lord, One Thouſand Seven Hundred and Fifty One.

CHAP. XXIV.

An Act to prevent the tending of Seconds.

Preamble.

I. WHEREAS the tending and curing Tobacco Slips and Suckers, for the making of Seconds, is greatly prejudicial to the People of this Colony, by debaſing the Quality and depreciating the Value thereof.

Penalty for tending Seconds.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That if any Perſon ſhall weed, top, hill, ſucker, houſe, cure, ſtrip, or pack any Seconds, Suckers, or Slips of Tobacco, or ſhall cauſe or ſuffer the ſame to be done upon any Plantation to him or her belonging, or under his or her Direction or Management, he or ſhe ſhall forfeit and pay Five Hundred Pounds of Tobacco, for every Perſon employed thereon in that Year; and if ſuch Plantation ſhall be under the Care of an Overſeer, being a Freeman, ſuch Overſeer ſhall be liable and pay the whole Forfeiture aforeſaid; which ſhall be recovered by Action of Debt, or Information, in any County Court of this Dominion, with Coſts; one Moiety thereof to his Majeſty, his Heirs and Succeſſors, for the Uſe of the County wherein the Offence ſhall be committed, towards leſſening the Levy thereof, and the other Moiety to the Perſon who ſhall inform or ſue for the ſame.

But where a Plant is deſtroyed, and not houſed, Seconds may be tended upon the ſame Stalk.

III. *PROVIDED nevertheleſs,* That if any Plants ſhall be deſtroyed by Tempeſt, or otherwiſe, when growing, and thrown away without being cured, or houſed, any Perſon may tend Seconds, or Slips, upon the ſame Stalks, without being liable to the Penalty aforeſaid.

A. D. 1748.

Duty of Conſtables in viewing Tobacco Grounds.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Conſtable within this Colony ſhall yearly, between the laſt Day of *July*, and the Tenth Day of *Auguſt*, and between the Twentieth Day of *Auguſt*, and the Tenth Day of *September*, and at ſuch other Times as he ſhall think proper, repair to all the Fields and Places whereon Tobacco ſhall be planted or tended, within his Precinct, and diligently view the ſame, to diſcover whether any Slips, or Suckers, ſhall be turn'd out and tended, from the Stalks, from which any Tobacco Plant hath been before cut, or taken; and if he ſhall find any ſuch, he ſhall make Information thereof to the next Court held for his County: Which Court ſhall and is hereby required, upon ſuch Information to them made, forthwith to direct and order the Attorney, appointed to proſecute in ſuch Court for his Majeſty, to bring Suit againſt ſuch Offender, for the Forfeiture aforeſaid: And if any Owner, or Overſeer of a Plantation, ſhall refuſe to ſhew the Conſtable all his Tobacco Grounds, or ſhall hinder or obſtruct the Officer in viewing the ſame, ſuch Owner, or Overſeer, ſhall be liable for the whole Forfeiture aforeſaid, to be recovered and divided in the ſame Manner: And if any Conſtable ſhall turn out, or tend any Slips or Suckers, contrary to this Act, he ſhall incur the like Forfeiture, to be recovered and applyed as herein before directed.

Of County Courts, where the Conſtable informs.

Penalty on hindering a View.

On Conſtables tending Seconds.

Conſtables ſhall be ſworn,

V. *AND be it further Enacted, by the Authority aforeſaid*, That every Conſtable ſhall, before ſome Juſtice of Peace of his County, take the following Oath, *to wit*.

Their Oath.

I A. B. *do ſwear, That I will diligently and carefully view the ſeveral Fields and Places whereupon Tobacco ſhall be planted and tended, within the Precinct whereof I am Conſtable, and will make true Information of all Perſons within my Precinct, whom I ſhall know to be guilty of the Breach of any Law of this Colony, made againſt the tending of Slips or Seconds, to the next Court held for my County, after the ſame ſhall come to my Knowledge.*

So help me God.

Penalty for not taking the Oath, or Breach of Duty.

WHICH Oath ſuch Juſtice is hereby impowered and required to adminiſter: And if any Conſtable ſhall refuſe to take upon him the Duty directed by this Act, or, taking the Oath herein before directed, ſhall neglect his Duty, or ſhall knowingly allow any Perſon within his Precinct to tend any Seconds, Slips, or Suckers, without making Information thereof, he ſhall forfeit One Thouſand Pounds of Tobacco, to be recovered and divided in the ſame Manner as the other Forfeitures in this Act are directed to be.

Their Allowance.

VI. AND that for encouraging the Conſtables to perform their Duty, One Pound of Nett Tobacco ſhall be levied on every Tithable in each County, and diſtributed to the ſeveral Conſtables, in Proportion to the Number of Tithables in their reſpective Precincts; which the Court of every County is hereby required to raiſe annually, and the County Collector to pay, to the Conſtables to whom the ſame ſhall be due: But the Juſtices ſhall not levy any Tobacco for ſuch Conſtables as ſhall neglect to do their Duty as required by this Act.

Repealing Clauſe.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes, heretofore made for or concerning any Matter or Thing within the Purview of this Act, except ſo much of one Act of Aſſembly, made in the Fourth Year of Queen *Anne*, intituled, *An Act for improving the Staple of Tobacco, and for regulating the Size and Tare of Tobacco Hogſheads*, as relates to the tending of Seconds, ſhall be and are hereby repealed.

Commencement of this Act.

VIII. *AND be it further Enacted*, That this Act ſhall commence and be in Force from and immediately after the Tenth Day of *June*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Fifty One.

CHAP.

A. D. 1748.

CHAP. XXV.

An Act preſcribing the Method for proving Book-Debts.

I. WHEREAS the Trade of Merchandize in this Colony is chiefly carried on by Retail, and the Goods and Merchandizes are often delivered to the Buyer by the Retailer himſelf, and it frequently happens that no Body is privy thereto but the Buyer and Seller, ſo that in many Caſes there may be a Defect of legal Evidence to charge ſuch Buyer, and by that Means a fair Trader may be hindred from recovering a juſt Debt; for preventing Diſputes and different Opinions in the ſeveral Courts of Juſtice within this Dominion, and for determining what ſhall be lawful Evidence in ſuch Caſes; Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That in any Action of Debt, or upon the Caſe, which hath been or ſhall be brought, where the Plaintiff ſhall declare or has declared upon an *Emiſſet*, or *Indebitatus Aſſumpſit*, for Goods, Wares, or Merchandizes by him ſold, and delivered to any other Perſon or Perſons, and upon the Trial of ſuch Action, ſuch Plaintiff ſhall declare upon his corporal Oath, or ſolemn Affirmation, as the Caſe may be, That the Matter in Diſpute is a Store Account, and that he hath no Means to prove the Delivery of the Articles therein contained, or any of them, but by his Store-Book, in that Caſe ſuch Book ſhall and may be given in Evidence at the Trial, if he ſhall make out by his own Oath or Affirmation, That ſuch Book doth contain a true Account of all the Dealings, or the laſt Settlement of Accounts between them, and that all the Articles therein contained were *bonâ fide* delivered, and that he hath given all juſt Credits due to the Defendant, in ſuch Account; and ſuch Book and Oath or Affirmation, ſhall be admitted and received as good Evidence, for any of the Articles, for Goods delivered within Two Years before the ſame Action brought, but not for any Article of a longer Standing, unleſs the Defendant ſhall have removed out of the County where he reſided at the Time of his contracting the Debt, and then within Three Years before Action brought: And where the Perſon who delivered ſuch Goods, Wares or Merchandizes ſhall die, his Executors or Adminiſtrators may give his Store-Book in Evidence, upon his or their making Oath, That there are no Witneſſes to his or their Knowledge, capable of proving the Delivery of the Goods or Merchandizes therein mentioned, and that he or they found the Book ſo ſtated, and do not know of any Credit to be given; and ſuch Book and Oath ſhall be admitted and received as Evidence, for any of the Articles for Goods delivered within the Time aforeſaid. In what Caſes a Store Book may be given in Evidence. Limitation of Time. Executors, or Adminiſtrators may prove Debts in the like Manner.

III. BUT whereas it has been found inconvenient and hazardous by Reaſon of bad Weather and other Accidents, to carry Books of Accounts at great Diſtances to the General or County Courts, when a Copy of the Account, proved in the ſame Manner as by this Law the Book is to be proved, may ſatisfy the Defendant as fully and effectually as if the Book of Accounts were produced in Court at the Trial of the Cauſe, *Be it further Enacted, by the Authority aforeſaid,* That a Copy from the Book of Accounts, proved in the Manner herein before directed, ſhall and may be given in Evidence in any ſuch Action as aforeſaid, and ſhall be as available as if ſuch Book had been produced; but where the Book ſhall be by the Defendant required to be produced at the Trial, the Defendant or his Attorney, ſhall give Notice thereof to the Plaintiff or his Attorney at the joining of the Iſſue, and in that Caſe no ſuch Copy ſhall be admitted or received as Evidence. In what Caſes a Copy may be given in Evidence.

IV. *PROVIDED nevertheleſs,* That the Defendant ſhall be at Liberty to conteſt the Plaintiff's Evidence, and to oppoſe the ſame by other legal Evidence; and where the Defendant ſhall be an Executor or Adminiſtrator, his Teſtator's or Inteſtate's Book, ſhall and may be given in Evidence, againſt the Plaintiff's Book, where the Plaintiff is an Executor or Adminiſtrator. But the Defendant may conteſt ſuch Proof.

V. *PROVIDED alſo,* That no Book of Accounts, altho' the ſame may be proved by Witneſs or Witneſſes, ſhall be admitted or received as Evidence, in any Action for Goods, Wares, or Merchandizes delivered, or for Work done, above No Book of Accounts ſhall be admitted after 5 Years, except for foreign

A.D. 1748. foreign Merchants.

above Five Years before the ſame Action brought, except in Caſe of Merchants reſiding in *Great-Britain*, or in other Parts beyond the Seas.

Repealing Clauſe.

V. *AND be it further Enacted, by the Authority aforeſaid*, That one Act made in the Fifth and Sixth Years of his preſent Majeſty's Reign, intituled, *An Act preſcribing the Method for proving Book Debts*, ſhall be and is hereby repealed.

Commencement of this Act.

VII. *AND be it further Enacted*, That this Act ſhall commence and be in Force, from and immediately after the Tenth Day of *June*, which ſhall be in the Year of our Lord, One Thouſand Seven Hundred and Fifty One.

CHAP. XXVI.

An Act concerning Water-Mills.

The Method of Proceeding upon Petition for an Acre of Land.

I. BE *it Enacted, by the Lieutenant Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That where any Perſon, intending to build a Water-Mill, on ſome convenient Run, ſhall have Land only on one Side thereof, ſuch Perſon ſhall petition the Court of that County wherein the Land on the other Side ſuch Run ſhall lie, for one Acre to be laid off for ſuch Uſe, which Court is hereby authoriſed and required, upon ſuch Petition, at the Coſts and Charges of the Petitioner, to iſſue their Order to the Sheriff, commanding him to ſummon a Jury of Twelve Freeholders of the Vicinage, to meet upon the Land petitioned for, who being met and duly ſworn before a Magiſtrate, or the Sheriff, ſhall diligently view and examine the ſaid Land, and the Lands adjacent thereto, on both Sides the Run, in the ſame or the next County, which may be affected or laid under Water by building ſuch Mill, together with the Timber and other Conveniencies thereon, and ſhall report the ſame, with the true Value of the Acre petitioned for, and of the Damages to the Party holding the ſame, or to any other Perſon or Perſons, under their Hands and Seals; which Report ſhall be returned by the Sheriff, to the Court whence ſuch Order iſſued, and if thereupon it appears reaſonable to ſuch Court, and if it take not away Houſes, Orchards, or other immediate Conveniencies, then they may, and are hereby authoriſed and impowered, to grant ſuch Acre to the Petitioner, and order the Return to be recorded, which ſhall be a good and effectual Seiſin in Law, and upon paying down the Valuation Money of the Land and Damages, reported by the Jury, to the Perſon and Perſons legally entitled thereto, ſhall create a Fee-Simple in the ſaid Acre of Land, to ſuch Petitioner or Petitioners, his, her, or their Heirs and Aſſigns.

Condition of holding ſuch Acre.

II. *PROVIDED nevertheleſs*, That the Perſon ſo put in Poſſeſſion ſhall, within one Year afterwards, begin to build, and within Three Years finiſh a Water-Mill, and continue to keep the ſame in good Repair, for public Uſe; otherwiſe ſuch Acre ſhall revert to the former Proprietor, from whom the ſame was ſo taken, his or her Heirs.

Parties injured may ſue for Damages.

III. *PROVIDED alſo*, That where any Water-Mill ſhall be built, purſuant to the Directions of this Act, and any Perſon or Perſons ſhall conceive him, her, or themſelves to be injured by the building of ſuch Mill, it ſhall and may be lawful for the Party injured, to bring his or her Action on the Caſe, againſt the Owner or Owners of ſuch Mill, any Thing herein contained to the contrary, or ſeeming to the contrary, in any wiſe, notwithſtanding.

Saving to Perſons under legal Diſabilities

IV. *PROVIDED alſo*, That where any Water-Mill ſhall belong to any Perſon being within the Age of One and Twenty Years, *Feme Covert*, *Non Compos Mentis*, or impriſoned, and ſhall be diſcontinued, burnt, or deſtroyed by Tempeſt, every ſuch Perſon, his or her Heirs, ſhall have Liberty to rebuild or repair within three Years after ſuch Diſabilities removed.

V. AND

V. AND whereas ſome Perſons may have built Water-Mills on a Point of Land of their own, in the Fork of a Swamp, between two Runs, and extended their Dams each Way croſs both Runs, to Lands in which they had only an Eſtate Tail, and have ſold the ſame, with an Acre at each End of the ſaid Dams, and tho' each of the Acres aforeſaid are really oppoſite to the Land of ſuch Builders, yet it has been doubted, whether the Court upon Application, could confirm the Purchaſer, in a Fee-Simple in each of the ſaid Acres: And foraſmuch as ſuch Caſes are within the equitable Intent, and Conſtruction of this Act, *Be it therefore further Enacted, by the Authority aforeſaid*, That the Court of the County where the ſaid Acres lie, ſhall, and they are hereby required, on the Petition of the Purchaſer, to enquire into the Facts, and if it appear to them, that the Purchaſer hath paid a valuable Conſideration for the ſaid Acres, they ſhall record the Title of the Purchaſer, confirmed in Fee-Simple thereto; or if in their Opinion, a ſufficient Conſideration is not already paid, they ſhall at the Coſts and Charges of the Petitioner, iſſue their Order to the Sheriff, to ſummon a Jury as is herein before directed, who being duly qualified, ſhall view, value, and report under their Hands and Seals, how much more the Petitioner ought to pay, and the Court ſhall record ſuch Report, and that the Petitioner's Title to the ſaid Acre, at each End of the Dam, is confirmed to him in Fee Simple, on his paying down to the Party or Parties entitled thereto, the Sum ſo reported, if any be found due, which Proceeding ſhall be a good and effectual Seiſin in Law, to the Petitioner, and ſhall create a Fee-Simple in the ſaid two Acres, to ſuch Purchaſer, his, her, and their Heirs for ever, ſubject nevertheleſs to the Proviſos, Conditions, and Limitations of this Act: And if the Bounds of the ſaid two Acres are not aſcertained in the Deed of Purchaſe, the Jury appointed to value as aforeſaid, or any Two Members of the Court, or other Perſons whom the Court ſhall appoint, ſhall fix and aſcertain the ſame, by Marks on the Land, and expreſs the ſame in Writing, under their Hands and Seals, which ſhall be recorded in Court, and be ſufficient to fix and aſcertain the Bounds thereof.

A. D. 1748. Proviſion in ſpecial Caſes, where entailed Land has been ſold.

VI. AND that if at any Time any Mill, now built, or hereafter to be erected, ſhall happen to be burnt, carried away by Water, or any Way deſtroyed, the Proprietor being under none of the Diſabilities herein before provided for, ſhall have the ſame Time allowed to rebuild and repair ſuch Mill, as is there allowed for the firſt Building thereof.

Mills burnt, or deſtroyed, ſhall be rebuilt within 3 Years.

VII. AND that no Perſon or Perſons whatſoever, after paſſing this Act, ſhall erect any Mill, notwithſtanding he, or ſhe has Land on both Sides a Creek or Run, and altho' there be no other Mill ſtanding thereon, without Petition firſt exhibited to the County Court, who are to conſider, whether the adjacent Lands of other Perſons may or will be affected thereby, and in that Caſe to order a Jury to value the Damages, and make Report thereof, in Manner herein before directed, and thereupon to grant or reject ſuch Petition: But where the Petitioner's Land extends ſo far, on both Sides, as not to affect or overflow the Land of any other Perſon, the Court may, if they ſee Cauſe, grant Leave to the Petitioner for erecting ſuch Mill, without ordering any Jury.

No Mill ſhall be hereafter built without Leave of the County Court.

VIII. *PROVIDED always*, That this Act ſhall not extend to Mills heretofore built, nor to Mills now begun tho' not yet finiſhed, but that the Owners thereof ſhall be and continue poſſeſſed of the ſame, under their reſpective legal Titles, as if this Act had never been made: And where any Mill has been built, and is now ſtanding, and the Owner thereof, thro' Ignorance or Miſtake, hath not exactly purſued the Method preſcribed by the Law in Force when ſuch Mill was built, in Reſpect to an Acre of Land adjoining, the Court of the County wherein ſuch Acre lies, ſhall, upon Petition of ſuch Owner, order and appoint two of their Members to value the Acre petitioned for, without having Regard to any of the adjacent Lands affected by ſuch Mill, and upon the Petitioner's paying down the Valuation Money, to the Party entitled thereto, he ſhall have a Fee-Simple Eſtate in ſuch Acre of Land: But, in both theſe Caſes, ſuch Eſtate ſhall be ſubject to the Conditions and Limitations of this Act.

Caſes not within this Act.

IX.

A. D. 1748.

Miller's Duty and Toll.

IX. *AND be it further Enacted, by the Authority aforesaid,* That all Millers shall well and sufficiently grind the Grain brought to their Mills, and in due Turn as the same shall be brought, and may take for Toll, one eighth Part of all Grain and no more: And every Miller, or Occupier of a Mill, who shall not well and sufficiently grind as aforesaid, or not in due Turn, or take or exact more Toll, shall for every such Offence, forfeit and pay Fifteen Shillings to the Party injured, recoverable with Costs before a Justice of Peace, of the County where such Offence shall be committed: and where the Miller shall be an imported Servant, or Slave, he shall upon the first Conviction, for such Offence, receive Thirty Lashes, and upon a second Conviction Forty Lashes on his bare Back, well laid on, in Lieu of the Forfeiture aforesaid; but upon a Third Conviction, his Master or Owner shall be liable to pay Fifteen Shillings, and so for every such Offence, by such Servant or Slave afterwards committed: *Provided always,* That every Owner or Occupier of a Mill may grind his, or her own Grain at any Time.

Punishment if he offends.

Where a Servant or Slave is Miller.

Privilege of Owners of Mills.

Sealed Measures shall be kept in every Mill, under a Penalty.

X. AND that every Owner or Occupier of a Mill shall keep therein sealed Measures, of Half Bushel, and Peck, and a Toll Dish sealed, and shall measure all Grain by strike Measure, under Penalty of paying Fifteen Shillings, for every such Failure, recoverable with Costs, by the Informer, before a Justice of Peace, of the County wherein such Mill shall be; and if the Miller be a Slave, or Servant, his Master or Owner shall be liable to the Penalty, or if the Owner of such Mill shall not live within the same County, nor have any known Attorney therein, the Appearance of such Servant or Slave, before the Justice to whom such Complaint shall be made, shall be sufficient for him to proceed against the Master or Owner; but if he or she, his or her known Attorney, lives in the County, his or her Appearance shall be required.

Who may not keep Hogs at large at his Mill.

XI. *AND be it further Enacted, by the Authority aforesaid,* That no Owner or Occupier of a Mill shall keep any Hogs at his or her Mill, except in Inclosures, unless such Owner or Occupier shall have Fifty Acres of Land at the least, adjoining to such Mill; and if any Hogs, belonging to the Owner or Occupier of such Mill, shall be found running at large, it shall and may be lawful for the Proprietors of the Land adjoining to such Mill, to kill, or cause to be killed or destroyed, all such Hogs.

Repealing Clause.

XII. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing, within the Purview of this Act, shall be and are hereby repealed

Commencement of this Act.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force from and immediately after the Tenth Day of *June,* which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. XXVII.

An Act for appointing Public Store-Houses, and ascertaining the Prices of Storage.

The Method of appointing Public Ware-Houses and Landings.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the respective Courts of every County, lying upon any River or Creek within this Colony, may, upon Application to them made, order and appoint such Place or Places, within their respective Jurisdictions, as to them appear necessary and convenient for the Landing, Shipping off, and Transportation of Goods and Merchandizes, to be hereafter held and accounted Public Landings, and where a Store-House or Ware-Houses are not already erected at, or

or convenient to ſuch Landings, the Court ſhall order ſuch Houſe or Houſes to be forthwith erected and built, by the reſpective Proprietors of the Land, at his and their own Expence, for the commodious Reception, ſafe Keeping, and convenient Shipping off, or Tranſportation of all Goods and Merchandizes whatſoever, brought thither by Land or Water; and ſuch Houſes ſo built, or already erected, ſhall thereafter be held and accounted Public Store-Houſes, and all and every other Place and Places, Houſe and Houſes, heretofore uſed for the ſame Purpoſes, ſhall thereupon be diſcontinued, and no longer reputed or held as Public Store-Houſes, or Landings; and that a Copy of every ſuch Order ſhall be by the Sheriff delivered to the reſpective Proprietors of the Land, ſo appointed, his or her Attorney, or Agent, or left at his or their uſual Place of Abode, and the Day and Place of ſerving the ſame, ſhall alſo, by the ſaid Sheriff, be returned to the next ſucceeding Court held for his County, and recorded; and where good and convenient Store-Houſes ſhall not be already built at any Place ſo appointed, the Proprietor thereof ſhall, within Twelve Months after ſuch Order made, cauſe ſuch Houſe or Houſes to be erected and kept.

Proprietor of the Land ſhall build, within 12 Months.

II. *AND be it further Enacted, by the Authority aforeſaid,* That if any Owner or Owners of any Houſe now built, and uſed for a Public Store-Houſe, or the Owner or Owners of any Land, appointed by any of the ſaid County Courts for a Place whereon to build a Public Store-Houſe, his, her, or their Guardian, or Guardians, Attorney or Attorneys, ſhall refuſe to ſuffer, or let ſuch Houſe be made uſe of, for the Purpoſe aforeſaid, or to build a good and convenient Store-Houſe on the Place, appointed by ſuch County Court, for the ſame to be built on, within one Year after the Time of ſuch Appointment made, that then and in ſuch Caſe, upon the Petition of ſome Freeholder or Freeholders, of the County where the ſaid Houſe is, or Land lies, it ſhall be lawful for ſuch County Court, and they are hereby required to order and appoint, three or more good and lawful Men of their County, upon their Oaths, to value and appraiſe the ſaid Houſe ſo appointed, together with Half an Acre of Land next adjoining thereto, or to value and appraiſe Half an Acre of Land, ſo appointed for a Place whereon to build a Store-Houſe: Which Valuation ſhall be returned to the ſaid Court, and there recorded, and thereupon it ſhall and may be lawful for the ſaid Court, to give Liberty to any Perſon to build or keep a Store-Houſe thereon, and he, upon his paying down the Valuation Money, or lawfully tendering the ſame to the Owner, ſhall be and is hereby declared to be ſeiſed in the ſaid Houſe, and Half Acre of Land, or in the ſaid Half Acre, to him and his Heirs for ever: Upon Condition, that he, his Heirs and Aſſigns, keep and maintain upon the ſaid Half Acre of Land, ſuch a convenient Store-Houſe as the ſaid County Court ſhall, from Time to Time, direct and appoint, or otherwiſe the ſaid Half Acre of Land to revert to the former Proprietor thereof, his Heirs and Aſſigns, or to ſuch other Perſon as will build and maintain a ſufficient Store-Houſe thereon: *Provided always*, that the Houſe ſo to be appointed, from Time to Time, by ſuch County Court, be not a Dwelling Houſe, or any Out-Houſe, Edifice, or Building, to a Dwelling Houſe contiguous and belonging, or appertaining, and that the Half Acre of Land, ſo appointed for building a Store-Houſe thereon, be not, at the Time of ſuch Appointment, the Garden, Orchard, or Court Yard, to any Dwelling Houſe belonging or appertaining.

Further Proceedings where the Proprietor refuſes to lett, or build.

Conditions of holding a Public Store-Houſe and Land.

Proviſos.

PROVIDED alſo, That where any Store-Houſes ſhall be built by ſuch other Perſon as aforeſaid, and the firſt Proprietor of the Land ſhall deſire to have the ſame again, ſuch Proprietor, on Payment of ſo much Money as ſhall be ſufficient to reimburſe the ſaid Purchaſer, the principal Money expended for the Purchaſe of the Land, and the Building ſuch Store-Houſes, with lawful Intereſt, ſhall be reſtored to his former Eſtate, in the Land whereon ſuch Store-Houſes ſhall be built.

PROVIDED alſo, That the Proprietor of ſuch Half Acre, appointed for building a Store-Houſe, having no Land adjacent, ſhall keep no Hogs or other

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Stock upon the said Half Acre, but what shall be constantly kept within a sufficient Fence, upon the said Half Acre, on Penalty of paying Five Shillings current Money for every Head, of Horses, Mares, Cattle, Sheep, Goats, Hogs, Shoats, or Pigs to him belonging, that shall at any Time be found at large upon any of the adjacent Lands, to be paid to the Owner of such Lands, and cognizable by a Justice of Peace of the County where the Trespass shall be committed.

III. *AND be it further Enacted, by the Authority aforesaid*, That every such Public Store-House so appointed shall be constantly kept, and maintained by the Proprietor thereof, for the receiving Tobacco, and other Goods and Merchandizes, and that there shall be paid and satisfied to such Proprietor, by the Owner or Owners of such Goods lodged therein, for the Storage thereof, the Rates and Prices following: For every Hogshead of Tobacco, brought to any Store-House above the Falls of any River, eight Pence; for every Cask, containing Sixty Gallons or upwards, and every Bale or Parcel of the like or greater Bulk, Twelve Pence, for the first Day, or three Months, and One Penny for every Month afterwards; and for every Cask under Sixty Gallons, and every Bale or Parcel of less Bulk than a Sixty Gallon Cask, Six Pence, and One Penny respectively, as aforesaid; for Salt, or Grain not pack'd in Cask, after the Rate of One Penny *per* Bushel, and so proportionably for a lesser or greater Quantity, for the first Day or three Months, and One Farthing for every Month afterwards; and for every Bar or Pig of Iron, One Half Penny; and every Parcel of Salt, or Grain, brought loose and unpacked, shall be kept in seperate Heaps or Parcels, unmixed with any other, and the whole thereof shall be delivered as received: And if it shall have really lost any of its Quantity, by melting, or by Rats, or other unavoidable Accidents, the Owner of such Goods shall bear the Loss, unless it exceed Five *per* Cent. if taken out within three Months, and if it lie longer, One *per* Cent. *per* Month afterwards, not exceeding Ten *per* Cent. in the whole: Which said several Rates of Storage shall be paid, and satisfied, before Removal or Delivery of the Goods; but no Storage shall be demandable for Goods lodged in any other than a Public Store-House, appointed in Pursuance of this Act: And if any Person, not being Proprietor or Keeper of such Public Store-House, shall presume to demand or receive any Storage whatsoever, or other Reward, for Goods landed or lodged within one Mile of a Public Store-House, and on the same Side of the River or Creek, every Person so offending, shall forfeit and pay Five Pounds current Money, for every such Offence, to the Informer, recoverable with Costs, by Action of Debt, or Information, in any County Court of this Dominion.

Rates of Storage.

Allowances for Shrinkage.

Penalty upon taking Storage for Goods, except in a Public Store-House.

IV. *AND be it further Enacted, by the Authority aforesaid*, That every Proprietor of a Public Store-House, who shall refuse to take in any Tobacco, Goods, or Merchandizes, brought to such House, shall be liable to satisfy and pay, to the Party injured, all Damages by him or her sustained thereby, and shall also be liable to the Action at the Common Law, for Damages happening to Goods in his, or her Custody, or which shall be lost out of such Store-House, for Want of due Care: And that the Owner or Keeper of every Store-House shall, at the Time of receiving any Goods or Merchandizes, give a Receipt in Writing, to the Person or Persons delivering the same, wherein shall be particularly mentioned, the Marks, Numbers, and Condition, of the several Sorts of Goods by him, or her received; which Receipt shall be fairly entered in a Book to be kept for that Purpose, by the Owner or Keeper of every Store-House: And if he, or she shall fail to make a fair Entry as aforesaid, or shall refuse to give a true Copy of such Receipt, when required, he or she, in either Case so offending, shall forfeit and pay Twenty Shillings, to the Informer, for every such Failure or Refusal, to be recovered, with Costs, before any Justice of Peace of the County wherein such Offence shall be committed.

Store-House Keeper answerable for Goods lost or damaged.

And shall give Receipts of the Particulars, and keep a Book of Entries.

Penalty on Failure or Refusal.

V. AND

A D. 1748.

V. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed. Repealing Clause.

VI. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of Our Lord, One Thousand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. XXVIII.

An Act concerning Highways, Mill-Dams, and Bridges.

I. BE *it Enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the several County Courts of this Dominion have, and shall have Power, by their Order, from Time to Time, to direct the Alteration of Public Roads already made, or hereafter to be made, and the making new Roads in such Places as to them shall seem convenient, for passing to, and from the City of *Williamsburg*, the Court-House of every County, the Parish Churches, and all Public Mills, and Ferries: And that all such Roads and Highways now made, or hereafter to be made, shall at all Times be kept well cleared, from Woods, Bushes, and other Obstructions, and all Roots well grubb'd up, Thirty Feet broad, at the least; and that if any Person shall fell any Tree or Trees into such Highway, or cause the same to be felled, and not cut and carried away within Forty Eight Hours, or shall kill any Tree, or Trees, within the Distance of Sixty Feet from such Highway, or cause the same to be killed, and not felled, or shall make any Fence into such Highway, such Person shall for every such Offence, forfeit and pay Ten Shillings current Money, to the Informer, recoverable with Costs, before a Justice of Peace, of the County where such Offence shall be committed: *Provided* that when an Application shall be made to any County Court, to have a new Road cleared, or to have any former Road altered, such Court shall appoint Three, or more fit and able Persons, to view the Lands whereon the said Roads are proposed to be cleared, or altered, who, upon Oath taken before a Justice of the Peace, faithfully and impartially to perform the said Service, shall make Report to the next Court, of the Conveniencies and Inconveniences of the said intended Road, or Alteration.

Highways shall be 30 Feet wide, at least.

Well cleared, grub'd, and kept.

Penalty on felling or killing Trees, near the Road, or fencing into it.

County Courts have Jurisdiction of making or altering any Road.

II. *AND be it further Enacted, by the Authority aforesaid*, That where it shall be necessary and convenient to make and clear a Road in one County, to some Public Place in another County, and a Road shall accordingly be made and cleared, by Order of the Justices of either of the said Counties, as far as their County extends, the Justices of every such adjacent County shall, and are hereby required, to cause a convenient Road to be made and cleared through their County, to such Public Place: And if the Justices of such adjacent County shall fail or refuse so to do, they shall forfeit and pay to the Justices of such other County, Two Thousand Pounds of Tobacco, for every such Failure, or Refusal, to be recovered by Action of Debt, or Information, in the General Court, and to be by the said Justices applied, to the Use of their County, towards lessening the Levy thereof.

Where a Road is necessary from one County into another, both shall join.

Penalty on Refusal.

III. *AND be it further Enacted, by the Authority aforesaid*, That every County Court shall divide the Public Roads of their County into Precincts, and annually, between the Last of *April*, and First Day of *August*, and at any other Time when they shall think it necessary, appoint a Surveyor of each Precinct, and the Tithables who shall attend each Surveyor respectively: And if any County Court shall fail so to do, the Justices thereof shall forfeit and pay Two Thousand

How & when Surveyors of Highways, & Labourers thereon, shall be appointed.

Penalty on Failure.

A. D. 1748.

sand Pounds of Tobaco, to the Informer, recoverable with Costs, in the General Court as aforesaid: And all Male labouring Persons, being tithable, shall when required attend such Surveyor, and assist him in laying out, clearing, and repairing the Roads in his Precinct, except such who are Masters of two or more tithable Male labouring Slaves, who are hereby declared exempted from personal Service, or Attendance: But every other tithable free Male labouring Person, failing to attend with proper Tools, when required by such Surveyor, or refusing to work when there, or not providing and sending another Person to work in his Room, for every such Failure or Refusal, shall forfeit and pay Five Shillings; and the Master or Owner of tithable Male labouring Servants, or Slaves, shall be liable to the like Penalty of Five Shillings, for every such Tithable he shall fail to send when required as aforesaid; and if any Surveyor shall fail to send his own Male labouring Tithables, he shall forfeit and pay Five Shillings, for every Tithable he fails to send; which said Penalties shall be to the Informer, and recoverable with Costs, before a Justice of Peace of the County where such Offence shall be committed: But where legal Cause of Disability to attend shall be shewn, the Justice may allow thereof, and dismiss the Defendant; and also where any Person or Persons are or shall be by Law exempted from Services upon the Highways, such Exemption shall be allowed: And if any Surveyor so appointed shall fail to perform his Duty, as by this Act required, he shall forfeit and pay Fifteen Shillings current Money, for every such Failure, to the Informer, recoverable with Costs, before a Justice as aforesaid.

On Persons not attending, or not assisting the Surveyor.

Where legal Disability, or Exemption, may be allow'd.

Surveyor's Forfeiture, if he fails.

How Bridges shall be made and kept.

IV. *AND be it further Enacted, by the Authority aforesaid*, That where Bridges shall be necessary, every Surveyor of the Highways, and his Assistants, shall and may make the same in his Precinct, twelve Feet broad, at the least, level and passable, which shall be kept in Repair, from Time to Time, and for that Purpose he may cut and take, from off the Lands of any Person next adjacent to such Bridge or Place, such and so much Timber only, as shall be necessary for that Use: Which shall be first viewed and valued by two honest House-keepers, upon Oath, appointed and sworn by some Justice of the County where such Timber shall be cut, and the Court of the same County shall, in the next County Levy, allow the Owner according to such Valuation, upon a Certificate from the said two House-keepers to them produced: And where a Bridge shall be necessary over any Place, where the Surveyor with his Assistants cannot make it, the Court of that County wherein such Place shall be, is hereby impowered and required, to contract and agree for the building and repairing thereof, and to levy the Charge in their County Levy: And where Bridges or Causeways are or shall be necessary from one County to another, the Court of each such County shall join in the Agreement for building or repairing the same, and the Charge thereof shall be defrayed by both Counties in Proportion to the Number of Tithables in each: And if the Justices of any County, adjoining to such Place over which a Bridge or Causeway hath been or shall be wanting and necessary, shall refuse to join in such Agreement with the Justices of the County on the other Side of such Place, for building, rebuilding, or repairing such Bridge, or Causeway, and to levy their Proportion of the Charge thereof in their County Levy, the Justices of the County so refusing, shall forfeit and pay Two Thousand Pounds of Tobacco, to the Justices of the County proposing such Agreement, to be by them recovered, by Action of Debt, or Information, in the General Court, and applyed to the Use of their County, towards lessening the Levy thereof: But such Recovery shall not discharge the Justices refusing, nor the other Justices of that County, from the Obligation of levying and paying such Proportion afterwards, in their County Levy, in the same Manner as if such Recovery had not been obtained.

Penalty on Justices refusing to join in building a Bridge, where necessary.

Contracts of County Courts shall bind them & their Successors.

V. *AND be it further Enacted, by the Authority aforesaid*, That all and every Contract, Agreement, and Order, by the Justices of any County Court of this Colony, entered into or made, for or concerning the building or repairing Bridges, making Causeways, and other necessary Charges, in such Manner as

to

to them shall seem most proper, shall be good and available against themselves, and their Successors. A. D. 1748.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any Mill-Dam, over which any Public Road leads, or the Bridge, Passage of the Pier-head, Floodgates, or Waste over the same, shall be of less Breadth than Twelve Feet at Top, for the whole Length of the Dam, Bridge, or Passage, the Owner or Owners, Occupier or Occupiers of such Mill, shall forfeit and pay Twenty Shillings for every such Offence, recoverable with Costs, before any Justice of Peace, of the County wherein such Mill-Dam shall be, one Moiety to the Use of the Informer, and the other Moiety to the Churchwardens of the Parish in which such Mill shall be, to the Use of their Parish: And every Owner or Occupier of a Mill shall cause strong Rails to be set up, and kept in Repair, on each Side of such Bridge, Passage, Floodgates, or Waste, under the like Penalty.

Mill-Dams must be 12 Feet wide, at Top. Penalty on Failure.

Bridges and Passages over Mill-Dams to be rail'd in.

VII. *PROVIDED always,* That if any Mill-Dam, or the Floodgates, or Pier-head, shall happen to be destroyed or carried away by Tempest, or other Accident, the Owner or Occupier thereof shall not be liable to any of the said Penalties, until one Month after such Mill hath ground one Bushel, at least, of Indian Corn, or other Grain, for Toll: And that where any Bridge, over the Passage, Floodgates, or Waste, is already built, Ten Feet wide, with strong Rails to the same, such Bridge shall be sufficient so long as it shall be in good Repair.

Exceptions.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That where two or more cross Roads or Highways meet, the Surveyor thereof shall cause to be erected, and kept in Repair from Time to Time, in the most convenient Place where such Roads join, a Stone or Post, with plain Inscriptions thereon, in large Letters, directing to the most noted Place to which each of the said joining Roads leads; and it shall be lawful for the said Surveyor to take any Trees or Wood, not being Timber, from any adjacent Lands, for setting up such Post: And the Expence he shall be at in setting up the same, with Inscriptions thereon, and keeping them in Repair, shall be reimbursed, and paid by the County, at their next Levy after such Service perform'd: And if any Surveyor shall neglect or refuse to cause such Stone or Post to be set up, or shall not cause them and the Inscriptions to be repaired, or renewed, from Time to Time as shall be necessary, he shall forfeit and pay Fifteen Shillings for every Month such Stone or Post shall be wanting, to be recovered and applyed in the same Manner as the Penalty for not keeping the Roads or Highways in Repair: And if any Person shall presume to cut, pull up, destroy, or deface any such Stone or Post, or the Inscriptions thereon, and be thereof convicted, by Confession, or the Oath of one or more credible Witnesses, before a Justice of Peace of the County where such Offence shall be committed, he or she shall forfeit and pay Twenty Shillings current Money, for every such Offence, to the Informer for his own Use, recoverable with Costs, before the same Justice; but where the Informer shall be a Witness, sworn upon the Trial, in that Case the Penalty shall be to the Use of the County, towards lessening their Levy; and in Default of present Payment the Offender shall, by Order of such Justice, receive Twenty Lashes on his or her bare Back, well laid on.

At every cross Road, a Stone or Post, with Directions, shall be set up.

And kept in Repair. Penalty on the Surveyor, if he fails.

On Persons who destroy, or deface such.

IX. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing Clause.

X. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One.

Commencement of this Act.

A. D. 1748.

CHAP. XXIX.

An Act for clearing Rivers and Creeks.

Preamble.

I. WHEREAS many of the Rivers and Creeks of this Colony are ſtopped and choaked up by Stones, Trees, Stumps, and Rubbiſh therein, and by Hedges, Weirs, or Stone Stops, in or croſs the ſame, whereby the Paſſage of Boats, and other Veſſels, and of Fiſh, is obſtructed to the great Damage of the Inhabitants of this Colony, and Hindrance of Trade and Commerce.

County Courts ſhall contract with Undertakers to clear Rivers and Creeks.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That where any River or Creek ſhall be in one County only, the Court of ſuch County ſhall be, and is hereby impowered and required, to contract and agree with any Perſon or Perſons they ſhall think fit, to clear the ſame as far as it ſhall be paſſable for loaded Boats, if ſuch Obſtructions were removed, and to levy ſo much Tobacco, in their County Levy, as ſhall be ſufficient to diſcharge ſuch Agreement: And where any River or Creek in this Colony ſhall divide Two or more Counties, the Court of every ſuch County ſhall join in ſuch Agreement, and levy the Charge thereof in Proportion to the Number of Tithables in each County: *Provided always,* That nothing herein contained ſhall be conſtrued to oblige any County Court, or Courts, to contract for removing Rocks, or ſuch Obſtructions in any River or Creek as cannot be removed without the Force of Gun-Powder: And alſo, that the Courts of the Counties adjoining to the Rivers *Maherin*, *Nottoway*, *Roanoke*, and *Rappahanock*, above the Falls thereof, ſhall not be obliged by this Act to contract for the Clearing the ſaid Rivers, or any of them.

Exceptions.

Penalties on ſetting Weirs, or felling Trees into a River, or Creek.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if any Perſon ſhall ſet, or cauſe a Weir to be ſet, in any River or Creek, paſſable as aforeſaid, and ſhall not cauſe the Stakes thereof to be taken up again, as ſoon as the Weir becomes uſeleſs, he or ſhe ſhall forfeit and pay Fifteen Shillings current Money, to the Informer, recoverable before a Juſtice of Peace: And whoſoever ſhall fell any Tree or Trees, or cauſe the ſame to be felled into any River or Creek, or any Run whereon there is or ſhall be erected any Public Bridge or Bridges, within this Colony, and ſhall not cut and carry away the ſame, within the Space of Forty Eight Hours after ſuch Felling, ſhall forfeit and pay Fifteen Shillings, for every Tree ſo felled, and not cut and carried away, to be recovered before a Juſtice of Peace of the County where ſuch Offence ſhall be committed, and ſhall be to the Uſe of the Informer.

Or Hedges, or Stone Stops.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That all Hedges, or Stone Stops, already made croſs any River, Creek, or Run, ſhall be taken up and deſtroyed by the Perſon or Perſons who made or placed the ſame; and that for the future no Hedge, or Stone Stop, that in any wiſe obſtruct the Courſe or Paſſage of the ſaid Rivers, Creeks, or Runs, or any of them, ſhall be placed or ſet therein; and it ſhall be lawful for any Perſon or Perſons whatſoever, at any Time, to pull up or deſtroy all ſuch Hedges, or Stone Stops: And every Perſon who ſhall not pull up and deſtroy any and every Hedge, or Stone Stop, by him already ſet up or made, or who ſhall hereafter preſume to ſet up or make any ſuch, in any River, Creek, or Run, as aforeſaid, ſhall forfeit and pay One Thouſand Pounds of Tobacco, for every ſuch Offence; and if after Conviction, the Perſon or Perſons ſo offending ſhall ſuffer ſuch Hedge, or Stone Stop to continue, and not pull up and deſtroy the ſame, he, ſhe, or they, ſhall forfeit and pay Two Hundred Pounds of Tobacco, for every Week the ſame ſhall be ſuffered to remain, both which Forfeitures ſhall be recoverable, with Coſts, by Action of Debt, in any Court of Record of this Dominion, wherein the ſame

ſhall

shall be cognizable, one Moiety thereof to the Informer, and the other Moiety to the King, his Heirs and Successors, for the Use of the County wherein such Offence shall be committed, towards lessening such County Levy.

V. *PROVIDED always*, That nothing herein contained shall be construed to extend to any Mill built upon a River above navigable Water, or to any Mills already built, or that hereafter shall be built, pursuant to the Laws relating to Water-Mills: *Provided also*, That nothing herein contained shall be construed to restrain any Person, having Land on both Sides of a Creek to the Head thereof, to set Hedges, or Stops, or to use and occupy the same, as he or she might have done if this Act had never been made, so that there is no Public Landing above the said Hedges and Stops.

Mills excepted, And Owners of Land on both Sides a Creek, to the Head.

VI. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Repealing Clause.

VII. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

Commencement of this Act.

CHAP. XXX.

An Act for regulating Ordinaries, and Restraint of Tipling Houses.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the the Authority of the same*, That every Person intending to set up or keep an Ordinary, or House of Public Entertainment, shall first petition the Court of that County wherein such Ordinary is intended to be, and obtain a Licence for keeping the same: And the Justices of the Court, to whom such Petition shall be exhibited, shall thereupon consider the Convenience of the Place proposed, and the Ability of the Petitioner to keep good and sufficient Houses, Lodging, and Entertainment for Travellers, their Servants and Horses; but the Court shall not, under Pretence of keeping any poor Person from being chargeable to the Parish, license any such Person to sell Liquors, to the Prejudice of the neighbouring Inhabitants: And if such Petition shall appear reasonable, such Court is hereby authorised, and may if they think fit, grant the Petitioner a Licence to keep Ordinary, for the Term of One Year next ensuing the Date of such Licence, and from thence 'til the next Court held for the same County, and no longer; which Licence shall be signed by the first Justice sworn in the Commission of the Peace for such County, and may, upon Petition, be renewed from Year to Year, if the Court shall think fit.

The Method of obtaining Licence to keep Ordinary.

Material Considerations.

II. *PROVIDED always*, That before issuing such Licence, the Court shall cause the Petitioner to enter into Bond, with sufficient Security, to the Effect following, That is to say.

KNOW *all Men by these Presents, That We* A. B. *and* C. D. *are held and firmly bound unto our Sovereign Lord King* George *the Second, by the Grace of God of* Great-Britain, France, *and* Ireland, *King, Defender of the Faith, &c. in the Sum of Fifty Pounds current Money, to which Payment to be made to our said Sovereign Lord the King, his Heirs and Successors, We bind ourselves, and every of us, our and every of our Heirs, Executors, and Administrators, jointly and severally, by these Presents. Witness our Hands and Seals, this Day of*

Ordinary Keeper's Bond

THE

A. D. 1748.

THE Condition of this Obligation is, That whereas the above bound A. B. *hath obtained a Licence to keep an Ordinary, at in the County of if therefore the said* A. B. *doth constantly find and provide, in his said Ordinary, good wholesome and cleanly Lodging and Diet for Travellers, and Stableage, Fodder, and Provender, or Pasturage, and Provender, as the Season shall require, for their Horses, for and during the Term of One Year from the Day of the Date of these Presents, and from thence until the next Court held for the said County of and shall not suffer or permit any unlawful Gaming, in his House, nor on the Sabbath Day suffer any Person to tipple and drink any more than is necessary, then this Obligation to be void, otherwise to remain in full Force.*

Licence Fee.

AND for every such Licence the Petitioner shall pay Thirty Five Shillings current Money, for the Use of the Governor, or Commander in Chief of this Colony, for the Time being, before obtaining the same.

Rates of Liquors to be annually set by the Court.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Justices of every County Court of this Dominion shall annually, in *March* Court, or if no Court be then held at their next succeeding Court, set the Rates and Prices to be paid at Ordinaries, for Liquors, Diet, Lodging, Provender, Stableage, and Fodder, and Pasturage, upon Penalty of forfeiting and paying Twenty Five Pounds current Money: And every Ordinary Keeper shall, within One Month after the Rates so set, obtain of the County Court Clerk, a fair Table of such Rates, which shall be openly set up in the public entertaining Room of every Ordinary, and there kept throughout the Year, until the Rates shall be again set by the Court, and then a Copy thereof shall be again so obtained, and kept from Time to Time, under Penalty of Ten Pounds current Money on every Ordinary Keeper failing so to do: And if any Ordinary Keeper shall demand and take greater Prices for any Drink, Diet, Lodging, Fodder, Provender, or Pasturage, than by such Rates shall be allowed, he or she so offending shall forfeit and pay Ten Shillings for every such Offence, to the Informer, recoverable with Costs, before a Justice of Peace of the County wherein such Ordinary shall be.

And set up in every Ordinary.

Penalty on Failure. And on taking greater Rates.

And on Retailers of Liquors, without Licence.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall presume to keep a Tipling House, or retail Liquors, or sell by Retail any Wine, Beer, Cider, Brandy, Rum, or other Spirits, or any Mixture of such Liquors, in any House, Booth, Arbour, Stall, or any other Place whatsoever, without Licence first obtained as aforesaid, he or she so offending shall forfeit and pay Ten Pounds current Money, or on Failure of present Payment, or Security for Payment within Six Months, the Party so convicted shall, by Order of the Court before whom such Conviction shall be, receive on his or her bare Back, Twenty One Lashes, well laid on, at the Public Whipping Post.

Offender failing to pay the Forfeiture, shall be whipped.

Merchants excepted.

V. *PROVIDED always,* That nothing in this Act contained shall be construed to prohibit any Merchant, or Person keeping Store for Sale of Merchandise, from retailing Liquors, so as such Liquors be not drank, or intended to be drank, at the House, Store, or Plantation where the same shall be so sold.

Two Justices (one *Quorum*) may suppress Ordinaries where Gaming or Tipling, *&c.* is permitted.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any Ordinary Keeper shall in his House permit unlawful Gaming, or suffer any Person or Persons to tipple in his House, or drink any more than is necessary, on the Lord's Day, or any other Day, set apart by public Authority for religious Worship, or shall harbour or entertain any Seaman, or Servant, contrary to this Act, it shall be lawful for any Two Justices of Peace, one being of the *Quorum*, of the County where such Offender lives, upon their own View and Knowledge, or upon Information and Oath of one or more credible Witnesses, to suppress such Ordinary until the next succeeding Court, and upon Certificate of such Offence made by the said Justices to such Court, and further Inquiry, the Court may disable such Offender from keeping Ordinary thereafter, until they shall think fit

fit to grant him a new Licence, or may reſtore him to keep Ordinary upon his former Licence, as they ſhall ſee Cauſe: And if any Ordinary Keeper ſhall preſume to ſell or retail any Liquor, after he has been ſo ſuppreſſed by Two Juſtices, and before he is reſtored by the Court, he or ſhe ſhall be liable to all the Penalties by this Act laid upon Perſons retailing Liquors without Licence. *A. D.* 1748.

VII. AND that if any Ordinary Keeper ſhall ſell Drink to any Sailor in actual Pay on Board any Ship, upon Credit, for any Value whatſoever; or if he, or any other Perſon, ſhall ſell any Liquors by Retail, exceeding Twenty Shillings current Money or the Value thereof, in any One Year, to any Perſon or Perſons, upon Credit; or if any Ordinary Keeper ſhall take Obligation, or other Specialty, for any Sum, or Quantity of Tobacco whatſoever, for Liquors retailed or ſold upon Credit, he or ſhe ſhall not recover any Money, Tobacco or other Commodity, for Liquors ſo ſold upon Credit, but every ſuch Debt, Obligation, or Specialty, ſhall be void; and if any Warrant, Petition, Writ, or Bill be proſecuted or exhibited againſt any Perſon for the ſame, ſuch Warrant, Petition, Writ, or Bill, ſhall be diſmiſſed, and the Defendant ſhall have double Coſts.

In what Caſes Debts or Obligations for retailed Liquors ſhall be void.

Proceſs thereon to be diſmiſſed, with double Coſts.

VIII. AND that if any Ordinary Keeper ſhall ſell any Liquor whatſoever, upon Credit, to any Sailor in actual Pay on Board any Ship, or other Veſſel, or ſhall harbour, entertain, or ſell Drink to any ſuch Sailor, without Licence from the Maſter of the Ship, or Veſſel, to which the Sailor belongs, ſuch Ordinary Keeper ſhall for every ſuch Offence, forfeit and pay Ten Shillings to the Maſter of the Ship, or Veſſel, recoverable with Coſts, before any Juſtice of Peace of the County wherein ſuch Ordinary Keeper lives.

Penalty on Ordinary Keepers entertaining or ſelling Drink to Sailors in Pay on Board.

IX. AND that all Penalties and Forfeitures by this Act given or laid, and not herein before appropriated, ſhall be, one Moiety to the King, his Heirs and Succeſſors, for and towards the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Informer, recoverable with Coſts, in any Court of Record of this Dominion, having legal Cognizance thereof.

How the Penalties may be recovered and appropriated.

X. *PROVIDED nevertheleſs*, That this Act ſhall not extend to the Ordinary Keepers of the City of *Williamſburg*, giving Credit to any Perſon whatſoever, during the Times of General Aſſemblies, or Courts of Juſtice, any Thing aforeſaid to the contrary, notwithſtanding.

Ordinaries in *Williamſburg*, excepted.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Court of Huſtings, within the City of *Williamſburg*, ſhall from henceforth have the ſole Power of granting Licences to Ordinary Keepers within the ſaid City: And that the Courts of the Counties of *York*, and *James-City*, ſhall not exerciſe any Juriſdiction in that Matter, as hath been formerly done. *Provided always*, That ſuch Licences be granted in the Manner by this Act directed: And the Juſtices of the ſaid Court of Huſtings ſhall have the ſame Powers and Authorities, both as to granting Licences, and regulating and ſuppreſſing Ordinaries, as the Juſtices of any County Court within this Colony have, or may exerciſe.

And ſhall be under Juriſdiction of the Court of Huſtings.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes heretofore made, for or concerning any Matter or Thing within the Purview of this Act, ſhall be and are hereby repealed.

Repealing Clauſe.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall commence and be in Force from and immediately after the Tenth Day of *June*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Fifty One.

Commencement of this Act.

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CHAP. XXXI.

An Act for preventing excessive and deceitful Gaming.

All Gaming-Debts void.

I. BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all Promises, Agreements, Notes, Bills, Bonds, Judgments, Mortgages, or other Securities, or Conveyances whatsoever, made, given, granted, drawn, or entered into, or executed by any Person or Persons whatsoever, before or after passing this Act, where the whole, or any Part of the Consideration of such Promise, Agreement, Conveyances, or Securities, shall be for Money, or other valuable Thing whatsoever, won, laid, or betted, at Cards, Dice, Tables, Tennis, Bowls, or any other Game, or Games whatsoever, or at any Horse-Race, Cock-Fighting, or any other Sport or Pastime, or on any Wager whatsoever, or for the reimbursing or repaying any Money, knowingly lent or advanced for such Uses, to any Person or Persons whatsoever, or lent or advanced at the Time and Place of such Play, Horse-Racing, Cock-Fighting, or other Sport or Pastime, to any Person or Persons so gaming, betting, or wagering, or that shall at such Time and Place, so play, bett, or wager, shall be utterly void, frustrate, and of none Effect, to all Intents and Purposes whatsoever, any Law, Custom, or Usage, to the contrary thereof, in any wise, notwithstanding.

Real Estate, incumbred by Gaming, shall devolve to the next Heir.

II. AND that where such Mortgages, Securities, or other Conveyances shall be of Lands, Tenements, or Hereditaments, or shall be such as incumber or affect the same, such Mortgages, Securities, or other Conveyances shall enure and be, to and for the sole Use and Benefit of, and shall devolve upon, such Person and Persons as should or might be entitled to such Lands, Tenements, or Hereditaments, in Case the said Grantor or Grantors thereof, or the Person or Persons so incumbring the same, had been naturally dead, and as if such Mortgages, Securities, or other Conveyances, had been made to the Person or Persons so to be entitled after the Decease of the Person or Persons so incumbring the same: And all Grants or Conveyances made, or to be made, for the preventing of such Lands, Tenements, or Hereditaments from coming to, or devolving upon such Person or Persons, hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none Effect, to all Intents and Purposes whatsoever.

The Loser of 40*s.* or more, may recover all Money paid.

III. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever, at any Time hereafter, within the Space of Twenty Four Hours, by playing at any Game, or Games whatsoever, or by betting on the Sides, or Hands of such as do play at any Game or Games, shall lose to any one or more Person or Persons, so playing or betting, the Sum of Forty Shillings, or more, in the whole, and shall pay, or deliver the same, or any Part thereof, the Person or Persons so losing and paying, or delivering the same, shall be at Liberty, within Three Months then next following, to sue for and recover the Money or Goods so lost, and paid or delivered, or any Part thereof, from the respective Winner and Winners thereof, with Costs of Suit, by Action of Debt founded on this Act, to be prosecuted in any Court of Record within this Colony, where the Sum, or Value thereof shall be cognizable; in which Action it shall be sufficient for the Plaintiff to alledge, That the Defendant is indebted to the Plaintiff, or received to the Plaintiff's Use, the Money so lost and paid, or converted the Goods won of the Plaintiff to the Defendant's Use, whereby the Plaintiff's Action accrued to him, according to the Form of this Act, without setting forth the special Matter: And in Case the Party losing such Money, or other Thing as aforesaid, shall not within the Time aforesaid, really and *bona fide*, without Covin or Collusion, sue and with Effect, prosecute for the Money, or other Thing, so lost and paid, or delivered, it shall and may be lawful to and for any other Person or Persons, by any such Action or Suit as aforesaid, to sue for, and recover the same, and treble the

If the Loser does not sue in 3 Months, any other Person may. And shall recover the Money

the Value thereof, with Coſts of Suit, againſt the Winner or Winners as aforeſaid, the one Moiety thereof to the Uſe of the Perſon or Perſons ſuing for the ſame, and the other Moiety to the Uſe of the Pariſh where ſuch Offence ſhall be committed: And every Perſon who, by Virtue of this preſent Act, ſhall or may be liable to be ſued for Monies or other Things ſo won as aforeſaid, ſhall be obliged and compellable to anſwer, upon Oath, ſuch Bill or Bills as ſhall be preferred againſt him or them, for diſcovering the Money or other Things ſo won at Play as aforeſaid.

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IV. *PROVIDED always,* That upon Diſcovery and Repayment of the Money, or other Thing, ſo to be diſcovered and repaid as aforeſaid, the Perſon and Perſons diſcovering and repaying the ſame, ſhall be acquitted, indemnifyed, and diſcharged from any further or other Forfeiture, Puniſhment, or Penalty, which he or they may have incurred by the playing for, and winning ſuch Money or other Thing ſo diſcovered and repaid.

But Repayment diſcharges the Penalty.

V. AND to prevent Gaming at Ordinaries and other public Places, which muſt be often attended with Quarrels, Diſputes, and Controverſies, the Impoveriſhment of many People and their Families, and the Ruin of the Health, and Corruption of the Manners of Youth, who upon ſuch Occaſions frequently fall in Company with lewd, idle, and diſſolute Perſons, who have no other Way of maintaining themſelves but by Gaming, *Be it further Enacted, by the Authority aforeſaid,* That if any Perſon or Perſons ſhall at any Time play in an Ordinary, Race-field, or any other public Place, at any Game, or Games whatſoever, except Billiards, Bowls, Backgammon, Cheſs, or Draughts, or ſhall bett on the Side or Hands of ſuch as do game, every ſuch Perſon, upon Conviction thereof before any Juſtice of Peace within this Colony, by the Oath of one or more credible Witneſs or Witneſſes, which Oath the ſaid Juſtice is hereby impowered to adminiſter, or by the View of ſuch Juſtice, or the Confeſſion of the Party accuſed, ſhall forfeit and pay Five Pounds current Money, to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand of the Juſtice before whom ſuch Conviction ſhall be, and for the Uſe of the Poor of the Pariſh wherein ſuch Offence ſhall be committed: And moreover, every Perſon ſo convicted, ſhall be committed to the County Goal, there to remain until he, ſhe or they, give ſufficient Security, for his, her or their, good Behaviour for Twelve Months, next after ſuch Conviction.

Penalties, on Perſons playing at public Places.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That if any Ordinary Keeper ſhall ſuffer or permit any Perſon or Perſons whatſoever, to play at any unlawful Game or Games whatſoever, in his Houſe, Shed, Booth, Arbour, or Stall, either by Night or Day, every ſuch Ordinary Keeper, being thereof convicted before any Juſtice of Peace, by the Oath of one or more credible Witneſs or Witneſſes, Confeſſion, or View of a Juſtice as aforeſaid, ſhall forfeit and pay Five Pounds current Money, to be levied and applied in like Manner as the other laſt mentioned Fine of Five Pounds, is by this Act directed to be levied and applied: And if any Juſtice or Juſtices of Peace ſhall be preſent at any unlawful Gaming, at any Time or Place, except in private Houſes, and ſhall neglect to iſſue his Warrant for levying the Fine, on every Perſon ſo gaming, or betting, every ſuch Juſtice ſhall forfeit and pay Five Pounds, one Half to the Informer, and the other Half to the Churchwardens, to the Uſe of the Poor of the Pariſh, recoverable with Coſts, by Action of Debt, or Information, in any County Court.

On Ordinary Keeper, who permits Gaming.

On Juſtices, neglecting to put this Act in Execution.

VII. *PROVIDED always,* That any Perſon aggrieved by the Judgment of any Juſtice of Peace, upon any Conviction for any of the Offences in this Act, cognizable before him, may appeal to the next Court to be held for the County where ſuch Perſon ſhall be convicted, but ſhall give reaſonable Notice of ſuch Appeal, to the Party proſecuting him or her, and ſhall alſo enter into Recognizance, with two ſufficient Sureties, before ſome Juſtice of the County wherein

Liberty of Appeal to the County Court.

the

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the Judgment was given, on Condition, to try such Appeal at the next Court held for the same County after entering such Appeal; which shall be by the said Court then heard and finally determined: *Provided also*, That no such Judgment shall be set aside for Want of Form, wherein it shall appear to the Court, That the Facts were sufficiently proved at the Trial; nor shall any such Judgment be removed, or removable, by Appeal, or any Writ or Process whatsoever, into the General Court.

Punishment of Cheats.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons whatsoever, do or shall, at any Time or Times, by any Fraud, Shift, Cozenage, Circumvention, Deceit, unlawful Device, or evil Practice whatsoever, in playing at or with Cards, Dice, or any other Game or Games, or in, or by bearing a Share, or Part in the Stakes, Wagers, or Adventures, or in, or by betting on the Sides, or Hands of such as do, or shall play, win, obtain, or acquire to him, or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever, every Person so winning by such ill Practice, and being thereof convicted, upon Indictment, or Information, shall forfeit Five Times the Value of the Money, or other Thing so won, and shall be deemed infamous, and suffer such corporal Punishment as in Cases of wilful Perjury: And such Penalty shall be recoverable, with Costs, by any Person or Persons suing for the same, by Action of Debt, in any Court of Record of this Dominion, having Cognizance thereof.

Gamesters may be bound to good Behaviour, or committed.

IX. AND whereas divers lewd and dissolute Persons live at great Expences, having no visible Estate, Profession, or Calling, to support them, but by Gaming only, *Be it therefore further Enacted, by the Authority aforesaid*, That it shall be lawful for any Two Justices of Peace, in any County or Corporation, to cause to come, or be brought before them, every Person, within their respective Limits, whom they shall have just Cause to suspect to have no visible Estate, Profession, or Calling, to maintain himself by, but for the most Part supporting himself by Gaming; and if such Person shall not make it appear to such Justices, That the principal Part of his Expences is not maintained by Gaming, they shall require of him sufficient Securities for his good Behaviour for the Space of Twelve Months, and on Refusal thereof, shall commit him to the Common Goal, there to remain until he shall find such Securities: And if such Person shall give such Securities, and afterwards within that Time, shall play, or bett, for any Money, or other valuable Thing whatsoever, such Playing, or Betting, shall be a Breach of the Behaviour, and a Forfeiture of the Recognizance given for the same.

Penalty on Gaming Quarrels.

X. AND to prevent Quarrels happening by Gaming, *It is hereby further Enacted*, That if any Person shall assault, and beat, or shall challenge, or provoke to fight, any other Person or Persons whatsoever, upon Account of any Money, or other Thing won by Gaming, or Betting, the Person and Persons so assaulting, beating, challenging, or provoking to fight, being thereof convicted, shall forfeit to the Party grieved, Ten Pounds current Money, to be recovered, with Costs, by Action of Debt, in any County Court; and moreover, shall be liable to the Action of the Party grieved, at the Common Law.

Repealing Clause.

XI. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Commencement of this Act.

XII. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of Our Lord, One Thousand Seven Hundred and Fifty One.

A. D. 1748.

CHAP. XXXII.

An Act concerning Marriages.

I. BE *it Enacted, by the Lieutenant Governor, Council and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That no Miniſter ſhall celebrate the Rights of Matrimony between any Perſons, or join them together as Man and Wife, without lawful Licence, or Thrice Publication of Banns according to the Rubric in the Book of Common Prayer; and if the Perſons to be married dwell in ſeveral Pariſhes, the Banns ſhall be publiſhed in each Pariſh, and the Miniſter of the one Pariſh ſhall not ſolemnize the Matrimony, until he have a Certificate from the Miniſter of the other Pariſh, That the Banns have been Thrice publiſhed, and no Objection made againſt the Parties joining together: And if any Miniſter ſhall celebrate the Rites of Matrimony, or joining Perſons in Marriage, without ſuch Licence, or Publication of Banns, as by this Act required, he ſhall for every ſuch Offence be impriſoned one whole Year, without Bail or Mainpriſe, and ſhall alſo forfeit and pay Five Hundred Pounds current Money; and if any Miniſter ſhall go out of this Government, and there join in Marriage, any Perſon or Perſons belonging to this Colony, without ſuch Licence, or Publication of Banns, he ſhall be liable to the ſame Penalties and Forfeitures, as if ſuch Marriage had been by him celebrated within this Dominion: *Provided always,* That where any Pariſh or Pariſhes have not a Miniſter, the Clerk or Reader may publiſh Banns, and if no Objection be made, grant Certificate thereof, which, together with a Certificate under the Hand and Seal of a Juſtice of the Peace for the ſaid County, living in rhe Pariſh where ſuch Publication ſhall be, certifying, That the Feme ſo to be joined hath been an Inhabitant of the ſaid Pariſh, One Month next before the Date of ſuch Certificate, ſhall be ſufficient for any Miniſter to ſolemnize the Rites of Matrimony: And if any Miniſter, Clerk, or Reader, ſhall grant or iſſue a falſe Certificate, he ſhall ſuffer the Impriſonment without Bail, and pay the Forfeiture aforeſaid, and ſhall alſo be liable to be proſecuted and puniſhed as in Caſe of Forgery: And that all or any of the Offences aforeſaid may be proſecuted, tried, and determined, in any Court of Record of this Dominion; which Courts are hereby declared to have Cognizance thereof, and may hear and determine the ſame, and award Execution thereupon, according to the Courſe of the Common Law.

No Perſons ſhall be married without Licence, or Publication of Banns.

Penalty on Miniſters marrying otherways.

On granting a falſe Certificate of the Banns being publiſhed.

II. *AND be it further Enacted, by the Authority aforeſaid;* That every Licence for Marriage ſhall be iſſued by the Clerk of the Court of that County wherein the Feme uſually reſides, in Manner following: That is to ſay, He ſhall take Bond with good Surety for the Sum of Fifty Pounds current Money, to our Sovereign Lord the King, his Heirs and Succeſſors, with Condition, That there is no lawful Cauſe to obſtruct the Marriage, for which the Licence ſhall be deſired; and ... Clerk failing herein, ſhall forfeit and pay Fifty Pounds current Money: And if either of the Parties intending to marry, ſhall be under the Age of One and Twenty Years, and not theretofore married, the Conſent of the Father, or Guardian, of every ſuch Infant, ſhall be perſonally given before the ſaid Clerk, or certifyed under the Hand and Seal of ſuch Father, or Guardian, atteſted by two Witneſſes, and thereupon the Clerk ſhall iſſue Licence, and certify, That Bond is given; and if the Parties, or either of them, be under the Age aforeſaid, he ſhall alſo certify the Conſent of the Father, or Guardian, and the Manner thereof, to the firſt Juſtice ſworn in Commiſſion of the Peace, or in his Abſence to the next Juſtice ſworn in that County, who is hereby authoriſed and required to ſign and direct the ſame: And every Licence ſo obtained and ſigned, and no other whatſoever, is hereby declared to be a lawful Licence: And if any County Court Clerk ſhall, in any other Manner, iſſue or certify any Marriage Licence, or if any Perſon whatſoever, ſhall preſume to ſign or direct ſuch Licence in other Manner, or without ſuch Certificate as by this Act is required and directed,

The Manner of iſſuing Marriage Licences

Where an Infant marries.

Penalties, on iſſuing or ſigning Licence, contrary to this Act.

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rected, every Perſon ſo offending ſhall be impriſoned one whole Year, without Bail or Mainprize, and ſhall forfeit and pay Five Hundred Pounds current Money; all which Penalties ſhall be cognizable as aforeſaid.

In what Caſe a Feme under 12, and above 16 Years, forfeits her Inheritance.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if any Feme Sole, of the Age of Twelve and under Sixteen Years, ſhall marry any Perſon whatſoever, contrary to the Will or Conſent of her Father or Guardian, and without legal Publication of the Banns, then the next of Kin to ſuch Feme, to whom the Inheritance ſhould deſcend, or come, ſhall have Right to enter upon, and take Poſſeſſion of all Lands, Tenements, Hereditaments, and other Real Eſtate whatſoever, which ſuch Feme, at the Time of her Marriage, had in Poſſeſſion, Reverſion, or Remainder, and ſhall Have, Hold, Occupy, and Enjoy the ſame, to him or her, and the Repreſentatives of his or her Stock, with all the Immunities and Privileges thereto belonging, during the Time of ſuch Coverture: But after Determination thereof, all ſuch Eſtate, and the Poſſeſſion, Reverſions, and Remainders, Rights, Immunities, and Privileges, ſhall immediately reveſt, be, and remain in the ſaid Feme, and her Heirs, other than her Huſband, and ſhe and they and every of them may re-enter, and take Poſſeſſion thereof, as if this Act had never been made.

Penalties on publiſhing Banns, or marrying any Servant.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Miniſter, Clerk, or Reader, ſhall wittingly publiſh the Banns of Marriage between any Servants; by Act of Parliament, Act of Aſſembly, Indenture, or Cuſtom, or between any free Perſon and ſuch Servant; or, if any Miniſter ſhall knowingly marry any ſuch, without Certificate from the Maſter, or Owner, of every ſuch Servant, That it is with his or her Conſent, every Miniſter, Clerk, or Reader, ſo offending, ſhall forfeit and pay Ten Thouſand Pounds of Tobacco, for every ſuch Offence, recoverable in any Court of Record of this Colony: And every ſuch Servant, ſo married without Conſent of his or her Maſter or Owner, ſhall ſerve him or her, and his or her Aſſigns, one whole Year, after all other Time of Service is expired, or pay him or her Five Pounds current Money, and every free Perſon, ſo marrying ſuch Servant, ſhall pay the Maſter or Owner Five Pounds current Money, for his or her own Uſe, recoverable in any County Court, with Coſts, or ſhall well and faithfully ſerve ſuch Maſter or Owner one whole Year, in actual Service.

On Servants, married, and free Perſons marrying ſuch

Fees for Marriages,

V. *AND be it further Enacted, by the Authority aforeſaid,* That every County Court Clerk ſhall, in *October* annually, deliver to the Governor, or Commander in Chief of this Dominion for the Time being, a true Liſt of all Marriage Licences by him iſſued: And that the Fees due and demandable upon Marriages, be as follows, *to wit*, To the Governor, or Commander in Chief for the Time being, for every Marriage Licence, Twenty Shillings, to be paid to the County Court Clerk before Licence iſſued, and by him to be accounted for at the Time aforeſaid; to the Miniſter, if by Licence Twenty Shillings, by Banns Five Shillings; for publiſhing Banns, and Certificate thereof where required, One Shilling and Six Pence, and no more; and every Miniſter ſhall have the Benefit of the Fees ariſing within his Pariſh for Marriages and alſo for Funeral Sermons, if he ſhall not neglect or refuſe to ſerve, altho' another Miniſter be employed to do the ſame; which Fee, for every Funeral Sermon, where preached upon Requeſt, ſhall be Forty Shillings, and no more: And if any Miniſter ſhall refuſe to celebrate the Rites of Matrimony for the Fees herein before allow'd him, or ſhall exact other, or greater Fees; or if he, or any Pariſh Reader, or Clerk, ſhall refuſe to publiſh the Banns, or to certify the ſame when required, for the Fee aforeſaid, or exact any other or greater Fee, every Perſon ſo offending ſhall forfeit and pay Two Thouſand Pounds of Tobacco, to the Party grieved, for every ſuch Offence, recoverable in any County Court of this Dominion: And that one Moiety of all Forfeitures ariſing by this Act, and not otherwiſe appropriated, ſhall be to our Sovereign Lord the King, his Heirs and Succeſſors, for and towards the better Support of this Government, and the contingent Charges thereof,

For a Funeral Sermon. Penalty for exacting greater Fees.

How the Forfeitnres ſhall be recovered and applied.

thereof, the other Moiety to the Party or Parties who ſhall inform or ſue for the ſame; and all the Forfeitures aforeſaid ſhall be recoverable with Coſts, by Action of Debt, or Information, in any Court of Record by this Act declared to have Cognizance thereof. *A. D.* 1748.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That one Act made in the Fourth Year of Queen *Anne*, intituled, *An Act concerning Marriages*, and every other Act and Acts, Clauſe and Clauſes, heretofore made for or concerning any Matter or Thing within the Purview of this Act, ſhall be, and are hereby repealed. Repealing Clauſe.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall commence and be in Force from and immediately after the Tenth Day of *June*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. XXXIII.

An Act for aſcertaining the Damage upon proteſted Bills of Exchange; and for the better Recovery of Debts due on promiſſory Notes; and for the Aſſignment of Bonds, Obligations, and Notes.

I. WHEREAS Bills of Exchange are accounted, in the Courſe of all Payments in this Colony, as ready Money, and it is reaſonable, for advancing the Credit and Circulation of ſuch Bills, to make the ſame a ſufficient Security, and to expedite the Recovery of Money thereupon. Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That where any Bill of Exchange is or ſhall be drawn for the Payment of any Sum of Money, in which the Value is or ſhall be expreſſed to be received, and ſuch Bill is or ſhall be proteſted for Non-Acceptance, or Non-Payment, the ſame ſhall carry Intereſt from the Date thereof, after the Rate of Ten *per Cent. per Annum*, until the Money therein Drawn for ſhall be fully ſatisfied and paid: But leſt any Perſon, having ſuch Bill, ſhould for the Sake of the ſaid Intereſt delay negociating the ſame, or, if after it ſhall be proteſted, ſhall not demand Payment of the Drawer, or Indorſer thereof, *It is hereby Declared,* That no Perſon whatſoever ſhall pay more than Eighteen Months Intereſt, from the Date of any Bill, to the Time it ſhall be preſented proteſted to the Drawer or Indorſer, or Indorſers thereof. Ten *per Cent. per Annum*, Damage upon proteſted Bills.

III. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall be lawful for any Perſon or Perſons, having a Right to demand any Sum of Money upon a proteſted Bill of Exchange, to commence and proſecute an Action of Debt, for Principal, Intereſt, and Charges of Proteſt, againſt the Drawers and Indorſers jointly, or either of them ſeparately, and Judgment ſhall and may be given for ſuch Principal and Charges, and Intereſt after the Rate of Ten *per Centum per Annum*, as aforeſaid, to the Time of ſuch Judgment, and for Intereſt upon the Money recovered, after the Rate of Five *per Centum per Annum*, until the ſame ſhall be fully ſatisfied. How Judgment ſhall be recovered, & entred.

IV. AND that all Bills of Exchange, which are, or ſhall be proteſted, ſhall, after the Death of the Drawer or Indorſer thereof, be accounted of equal Dignity with a Judgment: And the Executors, or Adminiſtrators, of every ſuch Drawer or Endorſer, ſhall be compellable to ſuffer Judgment to paſs againſt them, for all Debts due upon proteſted Bills of Exchange, before any Bond, Bill, or other Debt, of equal or inferior Dignity, under the Penalty of being liable to pay the ſame out of their own proper Goods. Proteſted Bills equal to Judgments, & ſhall be paid by Executors, *&c.* before other Debts.

V. AND

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Actions of Debt maintainable upon Notes of Hand.

V. AND to the End the Recovery of Money upon promissory Notes, and other Writings without Seal, may be rendred more easy, *Be it further Enacted, by the Authority aforesaid*, That if any Person or Persons have signed, or shall sign, any Note or other Writing, whereby he, she, or they promise, or oblige, him, her, or themselves, to pay any Sum of Money, or Quantity of Tobacco, to any other Person or Persons, such Person or Persons, to whom the same is or shall be payable, may commence and maintain an Action of Debt, and recover Judgment for what shall appear due thereupon, with Costs.

Defendant may prove his Discounts.

VI. *AND be it further Enacted, by the Authority aforesaid*, That when any Suit shall be commenced and prosecuted in any Court within this Colony, for any Debt due by Judgment, Bond, Bill, or otherwise, the Defendant shall have Liberty, upon Trial thereof, to make all the Discount he can against such Debt, and upon Proof thereof the same shall be allowed in Court.

Assignee of Bonds, &c. may sue and recover.

VII. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful to and for any Person, or Persons, to assign and transfer any Bond, or Bill, for Debt, or any such Note as aforesaid, to any other Person or Persons whatsoever: And that the Assignee or Assignees, his and their Executors and Administrators, by Virtue of such Assignment shall, and may have lawful Power to commence and prosecute any Suit at Law, in his, her, or their own Name, or Names, for the Recovery of any Debt due by such Bond, Bill, or Note, as the first Obligee, his Executors and Administrators, might or could lawfully do: *Provided always*, That in any Suit upon such Bond, Bill, or Note, so assigned, the Plaintiff shall allow all Discounts that the Defendant can prove, either against the Plaintiff himself, or against the first Obligee, before Notice of such Assignment was given to the Defendant.

But shall allow Discounts against himself, or the first Obligee before Notice of Assignment.

Repealing Clause.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That one Act made in the Third and Fourth Years of the Reign of His present Majesty, intituled, *An Act for ascertaining the Damage upon protested Bills of Exchange; and for the better Recovery of Debts due on promissory Notes; and for the Assignment of Bonds, Obligations, and Notes*: And all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Commencement of this Act.

IX. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One.

CHAP. XXXIV.

An Act for the Support of the Clergy; and for the Regular collecting and paying the Parish Levies.

Salary of Ministers.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That every Minister now preferred, or hereafter to be preferred to, or received into any Parish within this Dominion, shall have and receive an annual Salary of Sixteen Thousand Pounds of Tobacco, and Cask, with an Allowance of Four *per* Cent. for Shrinkage, to be levied, assessed, collected and paid, in Manner herein after directed.

The Time & Manner of laying the Parish Levy.

II. *AND be it further Enacted, by the Authority aforesaid*, That the Vestry of every Parish within this Dominion shall, and they are hereby authorised and required,

required, at some convenient Time, before the First Day of *December*, in each Year, to meet and lay the Parish Levy; whereof public Notice shall be given by the Minister or Reader, at each Church in the Parish: And every Vestry is hereby authorised and required to levy and assess, upon the tithable Persons in their respective Parishes, as well the Minister's Salary aforesaid, as all other the Parish Charges, and also the legal Allowances for Cask, where the Tobacco due to any Parish Creditor shall be contracted for to be paid with Cask, together with the Allowance of Six *per Centum* for collecting the Parish Levy. *A. D.* 1748.

III. *AND be it further Enacted, by the Authority aforesaid*, That where any Parish is or shall become vacant, by the Death or Removal of their Minister, the Vestry of such Parish shall have Power to levy the Salary aforesaid, or any Part thereof, for satisfying some Neighbouring or other Minister, or Ministers, for serving in the Cure of such Parish during the Vacancy. Provision for vacant Parishes.

IV. AND for the better collecting and paying the Parish Levies, *Be it further Enacted by the Authority aforesaid*, That the Vestry of every Parish respectively shall be, and is hereby authorised and impowered, to nominate and appoint such Person as they shall think fit, to collect and receive their Parish Levy, the Person so appointed giving Bond, with sufficient Securities, That he will duly collect, pay, and satisfy, unto the several Parish Creditors, all Tobacco for them levied: And every such Collector, for his Trouble, shall have the Allowance herein before appointed, and shall also have full Power and Authority, by Virtue of this Act, upon Refusal of Payment of the said Levies, or any Part thereof, by any Person or Persons chargeable therewith, to distrain the Slaves, Goods, and Chattels, of the Party refusing, and to make Sale thereof, in the same Manner as is by Law directed for other Distresses: And if the Vestry of any Parish shall neglect or refuse to levy the Tobacco due to the Minister, or other Parish Creditors, in such Case, all and every the Vestrymen of the Parish neglecting, or refusing, shall be liable to the Action of the Party grieved, his, or her Executors, or Administrators, for all Damages which he or she shall sustain by such Refusal or Neglect. How the Levy shall be collected & paid. Collector shall give Bond and Security. His Allowance & Power to distrain. Vestry refusing to levy Tobacco due to Parish Creditors, liable for Damages.

V. *AND be it further Enacted, by the Authority aforesaid*, That in every Parish of this Dominion, where a good and convenient Glebe is not already purchased and appropriated, a good and convenient Tract of Land, to contain Two Hundred Acres at the least, shall be purchased by the Vestry, and assigned, and set apart for a Glebe, for the Use of the Minister of such Parish, and his Successors, in all Times hereafter; and where Mansion, and other convenient Out-Houses, are not already erected, for the Habitation of the Minister, *It is hereby Declared, and Enacted*, That the Vestry of every such Parish shall have Power, and they are hereby authorised and required, to cause to be erected and built on such Glebe, one convenient Mansion House, Kitchen, Barn, Stable, Dairy, Meat House, Corn House, and Garden, well pailed, or inclosed with Mud-Walls, with such other Conveniencies as they shall think fit, and to levy the Charge of the Glebe Land, and Buildings, on the tithable Persons in their respective Parishes. Provision for Glebe Lands, and Buildings.

VI. AND to the End the Buildings already erected, or hereafter to be erected, upon every Glebe, may be kept in good Repair, *It is hereby further Enacted*, That every Parish Minister within this Dominion shall, during the Time of his being Minister of the Parish, keep and maintain the Mansion House, and all other the Out-Houses and Conveniencies, erected or to be erected on his Glebe, in tenantable Repair, and shall so leave the same at his Removal from his Parish, or Death, Accidents by Fire, or Tempest, only excepted: And in Case any Minister shall fail so to do, such Minister, his Executors and Administrators, shall be liable to the Action of the Churchwardens of the Parish, for the Time being, wherein the Value of such Repairs shall be recovered in Damages, with Costs of Suit, and the Damages, so recovered, shall be applied and laid out in making The Tenements shall be kept in Repair. Minister failing to repair, liable for Damages.

A. D. 1748.

Vestries of vacant Parishes shall repair. Proviso.

necessary Repairs upon the Glebe: And every Vestry of a vacant Parish is hereby impowered and required, to put all the Buildings upon the Glebe of their Parish, into such good and sufficient Repair, as that the same may be fit for the Reception of the succeeding Minister. *Provided nevertheless*, That any Vestry, who shall judge that the Minister has not wilfully committed any Waste on his Glebe, may make such necessary Repairs, at the Charge of their Parish as they shall think fit: And every Minister, received into any Parish as aforesaid, shall be entitled to all the spiritual and temporal Benefits of his Parish, and may maintain an Action of Trespass, against any Person or Persons whatsoever, who shall disturb him in the Possession and Enjoyment thereof.

Ministers Rights.

Vestries Right of Presentation declared, and limited.

VII. AND whereas it is doubted, how long the Right of Presentation of a Minister to a Parish, remains in the Vestries in this Colony: For settling that Matter, *Be it further Enacted, by the Authority aforesaid*, That the sole Right of Presentation shall be, and remain, in the several Vestries, for and during the Term of Twelve Months next after a Vacancy shall happen in their respective Parishes.

Repealing Clause.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That one Act made in the First Year of the Reign of His present Majesty, intituled, *An Act for the better Support of the Clergy of this Dominion; and for the more regular collecting and paying the Parish Levies*: And all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

IX. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One.

CHAP. XXXV.

An Act for the better Support of the College of William *and* Mary.

Duties on Hides, Skins, and Furrs, exported.

I. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That there shall be paid to his Majesty, his Heirs and Successors, for and towards the better Support and Maintenance of the College of *William* and *Mary*, in *Virginia*, the following Duties, Customs, and Imposts, for the following Goods, Wares, and Merchandizes, exported out of this Dominion, by Land or by Water: That is to say,

For every raw Hide, Six Pence.
For every tan'd Hide, Six Pence.
For every drest Buck Skin, One Penny Three Farthings.
For every undrest Buck Skin, One Penny.
For every Doe Skin drest, One Penny Half Penny.
For every undrest Doe Skin, Three Farthings.
For every Pound of Beaver, Three Pence.
For every Otter Skin, Two Pence.
For every Wild Cat Skin, One Penny Half Penny.
For every Mink Skin, One Penny.
For every Fox Skin, One Penny Half Penny.
For every Dozen of Raccoon Skins, Three Pence, and so proportionably for a greater or lesser Quantity.
For every Dozen of Musk-Rat Skins, Two Pence, and so proportionably for a greater or lesser Quantity.
And for every Elk Skin, Four Pence Half Penny.

II. AND

A. D. 1748.

II. AND for preventing Frauds in the Exportation of Skins and Furrs, *Be it further Enacted, by the Authority aforesaid,* That no Skins or Furrs shall be hereafter packed, in order to be shipped off, with any other Thing; and every Person intending to export Skins, or Furrs, before the same shall be shipped, shall make Oath before some Justice of the Peace of the County where he lives, to the several Parcels, or Packages intended to be shipped, and the Number of Skins and Furrs, and the Kinds thereof, and Pounds of Beaver, if any therein contained, and that no other Thing is packed therein; which Oath shall be certified by the Justice of Peace administring the same, and his Certificate delivered by the Master of the Ship or Vessel wherein the same shall be shipped, before his Clearing, to the Naval Officer, who shall receive of the Owner of such Skins, and Furrs, the Duties by this Act imposed, and without distinguishing between Buck and Doe Skins, shall account all Deer Skins, to be one Third Buck and two Thirds Doe Skins.

The Manner of Entry for Exportation.

III. *AND be it further Enacted, by the Authority aforesaid,* That the said Duties upon Skins and Furrs shall be paid, and satisfied, by the Owner or Exporter thereof, either by Land or Water, to the Collector or Collectors, appointed to receive the same, by the Governor or Commander in Chief of this Colony, for the Time being, with Advice of the Council, and a Certificate, That the same is paid, obtained from such Collector, under Penalty of Forfeiture of all Hides, Skins, and Furrs, exported or intended to be exported, by Land or Water, contrary to this Act, or the Value thereof.

Duties shall be paid to the Collector, or the Goods forfeited.

IV. AND to the End the said Duties upon Skins and Furrs may not be defrauded, by clandestine Transportation thereof into the neighbouring Colonies, *It is hereby further Enacted,* That if any Person shall be found travelling upon the Frontiers of this Colony, with Hides, Skins, or Furrs, it shall be lawful for any Justice of Peace, Sheriff, or Constable, of the County where such Person shall be found, to seize such Hides, Skins, and Furrs, unless the Person carrying the same produce a Certificate, under the Hand of a Justice of Peace of this Colony, That he is an Inhabitant thereof, and shall also make Oath, That he will not carry the said Hides, Skins, or Furrs, or cause the same to be carried, into any other Colony or Province, without paying the said Duties: And in Case any Hides, Skins, or Furrs, shall be so seized, one Moiety thereof shall be to the Seizor, and the other Moiety to the King, his Heirs and Successors, for the better Support of the said College of *William* and *Mary*.

Skins transported by Land, without Certificate, may be seized.

The Seizure appropriated.

V. AND whereas by an Act of Parliament, passed in the Twenty Fifth Year of King *Charles* the Second, a Duty of one Penny *per* Pound was laid upon all Tobacco, exported from hence to other *British* Plantations, in *America*, which, among other Donations, was by the late King *William*, and Queen *Mary*, granted to the said College, for the better Support thereof, but by Reason of divers Frauds and Abuses, this Branch of their Revenue hath of late proved very deficient, *Be it therefore further Enacted, by the Authority aforesaid,* That every Person who shall ship any Goods, Merchandizes, or Commodities whatsoever, on Board any Ship or Vessel bound to any of the *British* Plantations, in *America*, shall, before the same be shipped, or within Five Days after, make Oath before a Justice of Peace of the County where he lives, to the several Parcels, or Packages, of Goods, Merchandize, or Commodities so shipped, and the Contents thereof, and that no Tobacco is contained therein; or if any Tobacco, to the true Quantity, upon pain of forfeiting all such Goods, Merchandize, and Commodities, or the Value thereof: And the Justice of Peace, before whom such Oath shall be made, shall certify the same under his Hand; which Certificate shall be delivered to the Master of the Vessel, and by him to the Naval Officer of the District, at the Time of his Clearing; and no Naval Officer shall clear any such Ship or Vessel, until such Certificate be produced, and a Copy thereof shall be by the Naval Officer delivered, or sent, to the Collector of the Duty of One Penny *per* Pound, in the same District, before Clearing: And every Master of such

Duty on Tobacco exported to the Plantations.

The Method of entring out, and obtaining Certificate of Goods shipped to the Plantations.

A. D. 1748.

such Ship or Vessel, or other Person clearing, or concerned in loading the same, before his Clearing shall make Oath, before the Naval Officer of the District, to the Quantity of Tobacco on board, if he hath any, or that he hath no Tobacco, and will take none on board, without paying the Duty; a Copy of which Oath the Naval Officer shall transmit to the Collector of the Customs, of the Port whither such Ship or Vessel shall be bound: And every Person making a false Oath in any of the Premises and being thereof lawfully convicted, shall suffer as for wilful Perjury.

Penalty on Exporters of Tobacco to *Carolina*, without Duty paid. The Penalties approprited.

VI. AND to the End no Tobacco may be carried into the Province of *North-Carolina*, to be exported thence without paying the Duty in either Colony, *Be it further Enacted, by the Authority aforesaid,* That if any Person shall carry any Tobacco into the said Province, without paying the said Duty of one Penny *per* Pound, the Owner thereof shall forfeit the Value of such Tobacco: And that one Moiety of all Penalties and Forfeitures, arising by this Act, shall be to the King, his Heirs and Successors, for the better Support of the College of *William* and *Mary*, in *Virginia*, and the other Moiety to the Informer, recoverable with Costs, by Action, of Debt or Information, in any Court of Record within this Colony.

Duty and Salary of the Collectors.

VII. *AND be it further Enacted, by the Authority aforesaid,* That the several Collectors, appointed to receive the Duties aforesaid, shall, from Time to Time, be accountable and pay the same to the President and Masters of the said College of *William* and *Mary*, or such other Person or Persons as shall be by them lawfully deputed; and for receiving and paying thereof, such Collectors shall be allowed Six *per Centum*: *Provided always,* That nothing herein contained shall be construed to alter or enfringe the Powers, Privileges, or Allowances, of Collectors of the said Duty of One Penny *per* Pound, appointed or to be appointed by the Commissioners of his Majesty's Customs of *Great-Britain*, pursuant to the said Act of Parliament, made in the Twenty Fifth Year of King *Charles* the Second, for collecting, levying, and receiving the said Duty, or Penalties therein mentioned.

Proviso.

Repealing Clause.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

IX. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. XXXVI.

An Act for preventing Frauds in the Customs and in clearing of Ships; for ascertaining Collectors and Naval Officers Fees; and to prohibit and prevent the casting Ballast, or dead Bodies, into Rivers or Creeks.

Preamble.

I. FOR preventing Frauds and Concealments in clearing Ships and Vessels, and in Payment of Customs, Duties, or Impositions, laid upon Tobacco, Skins, Furrs, or any other Goods, or Merchandizes whatsoever, exported out of this Colony and Dominion:

Bond to be given by Masters of Ships entring or lading goods for Exportation.

II. *BE it Enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Master of every Ship or Vessel, entring into this Colony for Trade, or being here,

here, is deſigned to take on Board and lade any Tobacco, Skins, Furrs, or other Goods or Merchandizes whatſoever, in order to export and carry the ſame out of this Dominion, at his Entry, and before he be permitted to break Bulk, and trade, or to lade and take on Board any Goods, or Merchandizes whatſoever, ſhall give Bond to the Naval Officer, with one Surety, to our Sovereign Lord the King, his Heirs and Succeſſors, That he will not depart with his ſaid Ship or Veſſel, from the Diſtrict or Port where ſhe is entered, until Payment be made of the ſeveral Duties, Cuſtoms, Impoſitions, and Fees, accruing due from the ſaid Ship or Veſſel, or for, or by Reaſon of any Tobacco, Skins, Furrs, or other Goods and Merchandizes, ſhipped and laden in her, nor until the ſaid Ship or Veſſel be duly cleared by the Collector and Naval Officer of the ſaid Diſtrict or Port. *A. D.* 1748.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if the Ship or Veſſel be under Fifty Tons, the ſaid Bond ſhall be for Fifty Pounds; if above Fifty Tons, and under One Hundred Tons, for One Hundred Pounds; and if One Hundred Tons, or more, for Two Hundred Pounds; and ſhall be delivered back upon due Clearing with the Officers aforeſaid, but wholly forfeited, without Relief in Equity, in Caſe the Condition thereof be broken. The Sums of the Bonds, & how forfeited.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Maſter of every Ship or Veſſel, upon Clearing, ſhall make Oath before the Officer with whom he clears, (which Oath the ſaid Officer is hereby impowered and required to adminiſter,) what Tobacco, Skins, Furrs, or other Goods, or Merchandizes, are then ſhipped and laden on board his Ship or Veſſel, and that he will not afterwards lade or take on Board any more Tobacco, Skins, Furrs, or other Goods, or Merchandizes whatſoever, for which any Cuſtom, Duty, or Impoſition, is to be paid, or which the Law requires to be entered, without a lawful Permit for his ſo doing, from any Officer of the Diſtrict, or Port, wherein the ſaid Tobacco, Skins, Furrs, Goods, or Merchandizes, are to be ſo laden and taken in. Oath, upon Clearance.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the Cuſtoms, Duties, or Impoſitions accruing due, for any Tobacco, Skins, Furrs, or other Goods, or Merchandizes whatſoever, which ſhall be ſhipped or laden on Board any Ship or Veſſel, in order to be exported out of this Colony, ſhall be anſwered and paid to the Collector, or Receiver of the ſaid Cuſtoms, Duties, or Impoſitions, in the Diſtrict, or Port, where the ſaid Ship or Veſſel rides, when the ſaid Tobaccos, Skins, Furrs, Goods, or Merchandizes, are laden and taken in, and to no other Collector, or Receiver whatſoever, notwithſtanding the ſame be brought thither from another Diſtrict, or Port. To whom the Duties ſhall be paid.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That upon any Suſpicion of Fraud, or Concealment, or that the Maſter of any Ship or Veſſel doth make a falſe Report of his Lading, it ſhall be lawful for the Naval Officer, and Collector of the Diſtrict, or Port, or either of them, for Diſcovery of the ſaid Fraud, or Concealment, and for the better finding out the Truth of the Matter, to examine upon Oath, the Mate, Boatſwain, or any other of the Seamen, belonging to the ſaid Ship or Veſſel, as alſo, any other Perſon, or Perſons whatſoever, concerning the Lading of the ſaid Ship or Veſſel, as to the ſaid Collector, and Naval Officer, or either of them, ſhall ſeem fit and convenient. Officer's Power in detecting Concealments or Frauds.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That the Collectors Fees ſhall be as followeth, That is to ſay. Collector's Fees.

	l.	s.	d.
For Entring and Clearing any Ship or Veſſel of Fifty Tons, or under, all Veſſels tranſporting Goods, or Commodities, from one Diſtrict to another excepted, and all Fees thereunto incident.	0	10	0

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	l.	s.	d.
For Entring and Clearing any Ship or Veſſel above Fifty Tons, and under One Hundred Tons, and all Fees thereunto incident.	0	15	0
For Entring and Clearing any Ship or Veſſel of One Hundred Tons, or above, and all Fees thereunto incident.	1	5	0
For taking a Plantation Bond, purſuant to the Act of Trade, and Navigation.	0	2	6
For a Certificate of Duties paid upon Goods, ſhipped to the Plantations.	0	2	6

And that the Naval Officers Fees, be as followeth, That is to ſay.

Naval Officer's Fees.

For Entring and Clearing any Ship or Veſſel of Fifty Tons, or under, except as is before excepted.	0	7	6
For Entring and Clearing any Ship or Veſſel above Fifty, and under One Hundred Tons.	0	10	0
For Entring and Clearing any Ship or Veſſel of One Hundred Tons, or above.	1	5	0
For taking a Bond,	0	2	6
For a Permit to Trade,	0	2	6
For every loading Cocquet here,	0	0	6
For a Permit to load a Ship or Veſſel for Exportation,	0	2	6
For a Certificate for all imported Goods that ſhall be removed out of one Diſtrict or River, into another, after they are once landed, to be paid to the Officer of the Diſtrict from whence the ſaid Goods are brought.	0	2	6

All which Fees ſhall be paid in *Sterling*, or current Money, at Five and Twenty *per Cent*.

Virginia Owners pay only Half Fees.

VIII. AND that the Naval Officers, and Collectors, for any the Services before mentioned, ſhall charge no more than Half of the Fees aforeſaid, for any Ship or Veſſel wholly belonging to the Inhabitants of this Country.

Penalty on Officer taking other or greater Fees.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall not be lawful for any Collector or Naval Officer, within this Colony and Dominion, to demand and take any Fee or Fees, for any other Buſineſs, Matter, or Thing, by him done and performed, as Collector, or Naval Officer, or as Collector, or Receiver of any *Virginia* Duties, than the Particulars before enumerated in this Act, or to demand and take any greater Fee, for any of the Particulars before enumerated, than the Fee given and allowed by this Act for the ſame: And if any Collector, or Naval Officer, ſhall offend in either of the Premiſes, and be thereof lawfully convicted, he ſhall for the firſt Offence, forfeit and pay One Hundred Pounds; one Moiety to our Sovereign Lord the King, his Heirs and Succeſſors, for and towards the better Support of this Government, and the contingent Charges thereof, and the other Moiety to the Party injured, to be recovered with Coſts, in any Court of Record within this Dominion, by Action of Debt, or Information, wherein no Eſſoin, Protection, or Wager of Law, Privilege, or more than one Imparlance ſhall be allowed: And if the Collector, or Naval Officer, ſhall offend a ſecond Time, and be thereof lawfully convicted, he ſhall be thereby diſabled in Law, and made utterly incapable to hold, execute, and enjoy his Place, and Office of Collector, or Naval Officer, or any Profit or Advantage ariſing therefrom, for ever, and the ſaid Place, and Office ſhall, immediately after ſuch Conviction, be void to all Intents and Purpoſes, as if the ſaid Collector or Naval Officer had been naturally dead, and moreover, ſhall forfeit and pay to the Informer, the Sum of Twenty Pounds, to be recovered with Coſts, as aforeſaid.

X. *AND*

X. *AND be it further Enacted, by the Authority aforesaid,* That if any Person injured by any Collector, or Naval Officer, demanding and taking any Fee or Fees, contrary to this Act, shall fail to inform against the said Collector, or Naval Officer, for the said Offence, within Three Months after the Offence committed, it shall be thereafter lawful for any other Person, or Persons whatsoever, to prosecute the Offender, and recover, any Thing in this Act before contained, to the contrary, notwithstanding. If the Party injured does not sue within 3 Months, any other Person may.

XI. *PROVIDED always,* That no Collector, or Naval Officer whatsoever shall be impeached, or questioned, for or concerning any Offence aforesaid, unless he be prosecuted within one Year next ensuing such Offence committed. Prosecution must be within a Year.

XII. *AND be it further Enacted, by the Authority aforesaid,* That every Collector, or Naval Officer, within this Colony, shall be, and is hereby strictly enjoined and required, to set up, or cause to be set up in his Office, a fair written Table, or Copy of his Fees, according to this Act, and from Time to Time to continue the same, by setting up a new or fresh Table, or Copy as Occasion requires. A Table of the Fees shall be set up and kept in the Office.

XIII. AND whereas casting Stones, Gravel, or other Ballast, into Rivers, or Creeks, must prove dangerous and destructive to Navigation, for Prevention thereof, *Be it further Enacted, by the Authority aforesaid,* That immediately after the Commencement of this Act, the Court of every County adjacent to any navigable River, or Creek, within this Colony, shall nominate and appoint one or more fit and able Person, or Persons, residing near or convenient to the Place or Places where Ships, or other Vessels usually ride, in such River or Creek, to be Overseers and Directors of the Delivery, and bringing on Shore, from on Board every Ship or Vessel within their respective Districts, all Ballast whatsoever, intended to be unladen or delivered; and the Clerk of such Court shall forthwith issue, and deliver to the Sheriff of his County, an attested Copy of every such Nomination, and Appointment, to be by him served upon every Person and Persons so appointed, or left at his, or their Place of Abode, of which the Sheriff shall made due Return; and thereupon every such Person shall appear before the Court next thereafter held for his County, and there make Oath and swear, That he will, when required, diligently attend the Delivery of Ballast from on Board any Ship or Vessel within his District, and will not knowingly permit the same, or any Part thereof, to be cast into the Water, where navigable, but will direct, and to the best of his Power, cause all such Ballast to be brought and laid on Shore, according to Law, and that he will truly and faithfully execute his Office, without Favour, Partiality, or Malice: And if any Person so nominated, and having Notice thereof as aforesaid, unless hindred by Sickness, or other legal Disability, shall fail to appear before the said Court, or being there shall refuse to be sworn, he shall be fined Twenty Pounds: And such Court shall, upon every such Failure, or Refusal, or upon the Death, Removal, or other legal Disability of any Person appointed and sworn as aforesaid, forthwith proceed to nominate and appoint, from Time to Time, another in his Room, who shall take the same Oath, and upon Failue or Refusal, shall pay the like Fine; which every such Court respectively is hereby authorised and required to cause to be levied by the Sheriff, and shall be by him accounted for and paid to the Treasurer of this Colony, for the Time being, to be applied towards the Charge of clearing Rivers and Creeks, or as the General Assembly shall think fit to direct. The Method of appointing Directors for landing Ballast. Their Oath, and Duty. Fine on Refusal to serve. In Cases of Death, Refusal, &c. others to be appointed. How the Fine shall be levied and applied.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That every Person so appointed and sworn, upon Notice given him by the Master of any Ship or Vessel, when he intends to discharge Ballast, shall forthwith go on Board and attend, till the same be delivered, which he shall see brought and laid on Shore, at such convenient Place or Places near the Vessel, where it may not obstruct Navigation, nor be washed into the Channel; and thereupon shall give The Officer's Duty & Fee.

A. D. 1748

give the Master a Certificate, That the Ballast on Board his Vessel has been duly unladen and brought on Shore, according to Law; and for his Attendance may demand and receive Five Shillings, for every Day he shall attend as aforesaid, to be paid by the Master before Certificate given: And if any such Officer shall neglect or fail to perform his Duty, as by this Act directed, he shall forfeit and pay Twenty Pounds for every Neglect or Failure.

Penalty on Failure.

And on Masters of Vessels discharging Ballast contrary to this Act.

XV. *AND be it further Enacted, by the Authority aforesaid,* That every Master of a Ship or Vessel within this Colony, having Ballast to unlade, shall give Notice thereof in Writing, to some Officer appointed in the District where the Vessel rides, pursuant to this Act, and appoint the Time of such Officer's Attendance, and at the Time of his Clearing out, shall produce to the Officer of the Customs by whom he shall be cleared, a Certificate of his having unladen and brought on Shore his Ballast, as by this Act required; and if any such Master shall presume to unload any Ballast, before Notice given as aforesaid, or cast, or suffer the same to be cast over Board, or shall land, or suffer the same to be put on Shore, at any other Place, or in any other Manner, than shall be directed by the proper Officer appointed, by Virtue of this Act, he shall forfeit and pay Fifty Pounds for every such Offence: And if, at the Time of his Clearing out, he shall fail to produce and deliver to the Officer of the Customs, by whom he shall be cleared, such Certificate as is herein before required, such Failure shall amount to a Conviction, and he shall be adjudged guilty of Breach of this Act, and liable to the said Penalty of Fifty Pounds.

Building Materials excepted.

XVI. *PROVIDED always,* That nothing herein contained shall be construed to prohibit or restrain the Master of any Ship or other Vessel, bringing Lime-Stone, Chalk, Bricks, or Stone for Building, to lade, or put the same on Board any other Vessel, in order to be carried or transported to any Place he shall think fit; and the Person appointed to see Ballast unladed is hereby required to permit the same to be done, any Thing in this Act to the contrary, or seeming to the contrary, notwithstanding.

Penalty on suffering dead Bodies to be cast into the Water.

XVII. AND whereas the Masters of Ships or Vessels importing Negroes, frequently cause such as die on board, to be cast into the Water, to the great Annoyance of the adjacent Inhabitants, *Be it therefore further Enacted, by the Authority aforesaid,* That when any Negroe, or other Person whatsoever, shall die on Board any Ship or Vessel, within this Dominion, the Master of such Ship or Vessel, shall cause the dead Body to be brought on Shore, and there buried, above High Water Mark, Four Feet deep at the least, upon Penalty of forfeiting for his Neglect herein, or suffering such dead Body to be cast into the Water, Fifty Pounds for every such Offence: And that all Forfeitures and Penalties arising by this Act, and not before appropriated, shall be one Moiety to the King, his Heirs and Successors, to be paid to the Treasurer, and applied to the Uses last mentioned, the other Moiety to the Informer, recoverable, with Costs, by Action of Debt or Information, in any Court of Record of this Dominion.

How the Penalties shall be recovered and applied.

Repealing Clause.

XVIII. *AND be it further Enacted, by the Authority aforesaid,* That one Act made in the Fourth Year of the Reign of Queen *Anne*, intituled, *An Act for preventing Frauds in the Customs, and in Clearing of Ships; for ascertaining Collectors and Naval Officers Fees; and to prohibit and prevent the casting of Ballast and dead Bodies into Rivers and Creeks:* And every other Act and Acts, Clause and Clauses, heretofore made for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Commencement of this Act.

XIX. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of Our Lord, One Thousand Seven Hundred and Fifty One.

CHAP.

CHAP. XXXVII.

An Act to restrain the taking of excessive Usury.

I. WHEREAS the high Interest of Money has been found in all Countries where it has prevailed, to impoverish the People, and a great Discouragement to Trade and Industry. Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That no Person or Persons whatsoever, from and after the Commencement of this Act, upon any Contract hereafter to be made, shall take directly or indirectly, for Loan of any Monies, Wares, Merchandizes, or other Commodities whatsoever, above the Value of Five Pounds, for the Forbearance of One Hundred Pounds, for a Year, and so after that Rate, for a greater, or lesser Sum, or for a longer, or shorter Time: And that all Bonds, Contracts, Covenants, Conveyances, Agreements, and Assurances whatsoever, hereafter to be made, for Payment of any Principal, or Money to be lent, or covenanted to be performed, upon or for any Usury, whereby there shall be reserved or taken above the Rate of Five Pounds in the Hundred, as aforesaid, shall be utterly void.

5 *per Cent. per Annum*, declared the lawful Interest.

All Contracts for Payment of a greater Rate, void.

III. AND that all and every Person or Persons whatsoever, which shall upon any Contract to be hereafter made; take, accept, and receive, by Way or Means, of any corrupt Bargain, Loan, Exchange, Shift, or Interest, of any Monies, Wares, Merchandize, or other Thing, or Things whatsoever, or by any deceitful Way or Means, or by any Covin, Device, or deceitful Conveyance, for the forbearing or giving Day of Payment, for one whole Year, of and for their Money, or other Thing, above the Sum of Five Pounds for the forbearing of One Hundred Pounds, for a Year; and so after that Rate, for a greater, or lesser Sum, or for a longer, or shorter Time, shall forfeit and lose, for every such Offence, the double Value of the Monies, Wares, Merchandizes, and other Things so lent, bargained, exchanged, or shifted; one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Person or Persons who shall inform or sue for the same, by Action of Debt, or Information, in any Court of Record of this Colony, wherein the same shall be cognizable.

Persons taking more, forfeit double the Value of the Sum lent.

IV. AND that all Bonds, Contracts, Covenants, Conveyances, Agreements, and Assurances whatsoever, had, made, or entered into at any Time or Times, before the Tenth Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Thirty Four, and now subsisting, whereby any Interest above the Rate of Six in the Hundred, for a Year, is or was agreed to be taken, or paid; and all such Bonds, and other Assurances whatsoever, as aforesaid, had, made, or entered into, at any Time after the said Tenth Day of *November*, and before the Time of the Commencement of this Act, and now subsisting, whereby any Interest above Five Pounds in the Hundred, for a Year, is, or was agreed to be taken, or paid, shall be void and null, as to all Interest over and above the said several Rates of Six Pounds, or Five Pounds in the Hundred, for a Year, as the Case shall be, to be computed from the respective Times of the first Lending, or Contract.

In what Cases Contracts for more than lawful Interest shall be void.

V. AND to the End People may not be oppressed with the Payment of exorbitant Interest, for Want of Proof of an usurious Contract, which is always made in Secret, and with such Caution, that it can seldom be detected in the ordinary Course of Evidence, *Be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for any Borrower of Money, hereafter to be lent, to exhibit a Bill in the General Court, or any County Court of the said Co-

How Persons bound by usurious Contracts may be relieved.

A. D. 1748. lony, against the Lender, and to compel him to discover, upon his corporal Oath, the Principal Money actually lent, and the Contract made between them, for the Payment of Interest; and in such Case, if it shall appear, That more than lawful Interest was reserved, the Lender shall be discharged from all the Penalties of this Act, but he shall lose, not only all such unlawful Usury, but shall be obliged to accept the Principal Money, without any Interest.

Where Costs shall be recovered.

VI. AND that in all Cases hereafter, where Judgment shall be recovered for any Penalty, not exceeding Ten Pounds current Money, forfeited by Virtue of this Act, the Plaintiff shall also recover his full Costs: But no Costs shall be allowed, where the Penalty so recovered shall exceed the said Sum.

Rates of Brokerage on Loans.

VII. AND that all and every Broker and Brokers, Sollicitor and Sollicitors, Driver, and Drivers of Bargains, for Contracts, who shall at any Time hereafter take or receive, directly or indirectly, any Sum or Sums of Money, or other Reward or Thing, for Brokage, soliciting or procuring the Loan, or Forbearing of any Sum or Sums of Money, over and above the Rate or Value of Five Shillings, for the Loan or Forbearing of One Hundred Pounds, for a Year, and so rateably, or above One Shilling for making, or renewing the Bond, or Bill, for the Loan or Forbearance thereof, or for any Counter Bond or Bill, concerning the same, shall forfeit for every such Offence, Twenty Pounds current Money; one Moiety to the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Informer, to be recovered, by Action of Debt, or Information, in any Court of Record of this Dominion.

Repealing Clause.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Commencement of this Act.

IX. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. XXXVIII.

An Act directing the Trial of Slaves committing Capital Crimes; and for the more effectual punishing Conspiracies and Insurrections of them; and for the better Government of Negroes, Mulattoes, and Indians, bond or free.

Preamble.

I. WHEREAS it is absolutely necessary, That effectual Provision should be made for the better ordering and governing of Slaves, free Negroes, Mulattoes, and Indians, and detecting and punishing their secret Plots, and dangerous Combinations, and for the speedy Trial of such of them as commit Capital Crimes.

Conspiracy of Slaves to rebel or murder, Felony without Clergy.

II. *BE it therefore Enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That if any Negroe, or other Slaves, shall at any Time consult, advise, or conspire, to rebel or make Insurrection, or shall plot, or conspire the Murder of any Person, or Persons whatsoever, every such consulting, plotting, or conspiring, shall be adjudged and deemed Felony, and the Slave or Slaves convicted thereof, in Manner herein after directed, shall suffer Death, and be utterly excluded all Benefit of Clergy.

III. AND

III. AND whereas many Negroes, under Pretence of practising Physic, have prepared and exhibited poisonous Medicines, by which many Persons have been murdered, and others have languished under long and tedious Indispositions, and it will be difficult to detect such pernicious and dangerous Practices, if they should be permitted to exhibit any Sort of Medicine, *Be it therefore further Enacted, by the Authority aforesaid*, That if any Negroe, or other Slave, shall prepare, exhibit, or administer any Medicine whatsoever, he, or she so offending shall be adjudged guilty of Felony, and suffer Death without Benefit of Clergy. Or to prepare or administer Poison, or any Medicine.

IV. *PROVIDED always*, That if it shall appear to the Court before which such Slave shall be tried, that the Medicine was not prepared, exhibited or administred, with an ill Intent, nor attended with any bad Consequences, such Slave shall have the Benefit of Clergy. In what Case Clergy may be allow'd.

V. *PROVIDED also*, That nothing herein contained shall be construed to extend to any Slave or Slaves administring Medicines, by his, or her Master's, or Mistress's Order, in his, or her Family, or the Family of another, with the mutual Consent of the Owner of such Slave, and the Master or Mistress of such Family. Where Medicines may be administred.

VI. *AND be it further Enacted, by the Authority aforesaid*, That every Slave committing such Offence as by Law is punishable with Death, or Loss of Member, shall be forthwith committed to the Common Goal of the County wherein such Offence shall be done, there to be safely kept: And upon such Commitment, the Sheriff of such County shall certify the same, with the Cause thereof, to the Governor, or Commander in Chief of this Dominion, for the Time being, who is thereupon desired and impowered to issue a Commission of *Oyer and Terminer*, to such Persons as he shall think fit; which Persons, forthwith after Receipt of such Commission, are impowered and required to cause the Offender to be publickly arraigned, and tried, at the Court House of the said County, and to take for Evidence the Confession of the Offender, the Oath of one or more credible Witnesses, or such Testimony of Negroes, Mulattoes, or Indians, bond or free, with pregnant Circumstances, as to them shall seem convincing, without the Solemnity of a Jury: And the Offender being by them found guilty, to pass such Judgment upon such Offender, as the Law directs, for the like Crimes, and on such Judgment to award Execution. The Method of Commitment, & Trial of Criminal Slaves.

VII. *PROVIDED always*, That if at such Trial the Court be divided in Opinion, whether the Accused be guilty, or not guilty, in that Case, he, she, or they, shall be acquitted. *Provided also*, That when Judgment of Death shall be passed upon any such Offender, there shall be Ten Days, at least, between the Time of passing Judgment, and the Day of Execution, except in Cases of Conspiracy, Insurrection, or Rebellion. Where the Party arraigned shall be acquited. And where after Judgment, Execution shall be stayed 10 Days, at least.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That when any Negroe, Mulattoe, or Indian whatsoever, shall be convicted of any Offence within the Benefit of Clergy, Judgment of Death shall not be given against him, or her, upon such Convicton, but he, or she, shall be burnt in the Hand, by the Goaler in open Court, and suffer such other corporal Punishment as the Court shall think fit to inflict; except where such Negroe, Mulattoe, or Indian, shall be convicted of Manslaughter, or the felonious breaking and entring any House, in the Night-time, or for breaking and entering, in the Day-time, any House, and taking from thence away Goods, or Chattels, to the Value of Twenty Shillings current Money, or where he, or she, hath once had the Benefit of this Act; and in those Cases, such Negroe, Mulattoe, or Indian, shall suffer Death, without Benefit of Clergy. Rules in allowing Clergy to Negroes, Mulattoes, or Indians, convict.

IX. AND

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Punishment of Negroe, Mulattoe, or Indian Witnesses, giving false Testimony.

IX. AND to the End such Negroes, Mulattoes, or Indians, not being Christians, as shall be produced as Evidences, on the Trial of any Slave, for a Capital Crime, may be under the greater Obligation to declare the Truth, *It is hereby further Enacted*, That where any such Negroe, Mulattoe, or Indian, shall be found, upon due Proof made, or pregnant Circumstances appearing to any County Court of this Colony, to have given a false Testimony, every such Offender shall, without further Trial, be ordered by the said Court to have one Ear nailed to the Pillory, and there to stand for the Space of one Hour, and then the said Ear to be cut off, and thereafter the other Ear nailed in like Manner, and cut off at the Expiration of one other Hour, and moreover, to receive Thirty Nine Lashes on his, or her bare Back, well laid on, at the public Whipping Post; and at every such Trial of Slaves for Capital Offences, the Person first named in the Commission, then sitting, shall, before the Examination of any Negroe, Mulattoe, or Indian, not being a Christian, charge such Evidence to declare the Truth; which Charge shall be in the Words following, *to wit*.

A Charge to such Witnesses

YOU are brought hither as a Witness, and by the Direction of the Law I am to tell you, before you give your Evidence, That you must tell the Truth, the whole Truth, and nothing but the Truth; and that if it be found hereafter, that you tell a Lie, and give false Testimony in this Matter, you must for so doing, have both your Ears nailed to the Pillory, and cut off, and receive Thirty Nine Lashes on your bare Back, well laid on, at the common Whipping Post.

Masters may appear at the Trial, in Defence of their Slaves. The Value of Slaves executed shall be paid by the Public.

X. *PROVIDED always*, That the Master or Owner of any Slave may appear at such Arraignment, and Trial, and make what just Defence he can for such Slave, so that such Defence do not relate to any Formality in the Proceedings on the Trial: And that when any Slave shall be convicted, by Virtue of this Act, the Commissioners, sitting on the Trial, shall put a Valuation in Money upon such Slave, and certify the same to the next Session of Assembly, that they may be enabled to make a suitable Allowance to the Master or Owner.

In what Cases Negroes, Mulattoes, & Indians may, or may not, be Witnesses.

XI. AND for preventing the Mischiefs that may happen by the corrupt and precarious Evidence of Negroes, Mulattoes, and Indians, if they should be admitted as lawful Witnesses in Courts of Justice, *It is hereby further Enacted*, That no Negroe, Mulattoe, or Indian, whether a Slave, or Free, shall be admitted in any Court of Record, or before any Magistrate of this Colony, to be sworn as a Witness, or give Evidence in any Cause whatsoever, except upon the Trial of a Slave for a Capital Offence.

XII. *PROVIDED nevertheless*, That any free Negroe, Mulattoe, or Indian, being a Christian, shall be admitted in any Court, or before a Justice of Peace, to be sworn as a Witness, and give Evidence, against or between any other Negroes, Mulattoes, or Indians, slave or free, in any Cause, Civil or Criminal.

No Person shall permit other Men's Slaves to remain upon his Plantation.

XIII. AND to prevent the Inconveniencies arising by the Meetings of Slaves, *Be it further Enacted, by the Authority aforesaid*, That if any Master, Mistress, or Overseer of a Family, shall knowingly permit or suffer any Slave, not belonging to him, or her, to be and remain upon his, or her Plantation, above Four Hours at one Time, without Leave of the Owner or Overseer of such Slave, he, or she, so permitting, shall forfeit and pay One Hundred and Fifty Pounds of Tobacco, for every such Offence; and every Owner, or Overseer of a Plantation, who shall so permit, or suffer more than Five Negroes, or Slaves, other than his, or her own, to be and remain upon his, or her Plantation, or Quarter, at any one Time, shall forfeit and pay Five Shillings, or Fifty Pounds of Tobacco, for each Negroe, or Slave above that Number: Which said several Forfeitures shall be to the Informer, and recoverable, with Costs, before any Justice of Peace of the County where such Offence shall be committed.

XIV. *PRO-*

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XIV. *PROVIDED alway*, That nothing herein contained shall be construed to prohibit the Negroes, or Slaves, of one and the same Owner, tho' seated at different Quarters, from meeting, with their Owners or Overseers Leave, upon any Plantation to such Owner belonging; nor to restrain the Meeting of Slaves, on their Owners or Overseer's Business, at any public Mill, so as such Meeting be not in the Night-time, nor on a Sunday; nor to prohibit their Meeting on any other lawful Occasion, by Licence in Writing from their Owner, or Overseer; nor their going to Church, and attending Divine Service on the Lord's Day, or any other Day of public Worship. Proviso.

XV. *AND be it further Enacted, by the Authority aforesaid*, That if any white Person, free Negroe, Mulattoe, or Indian, shall at any Time be found in Company with Slaves, at any unlawful Meeting, or shall harbour, or entertain any Slave, without the Consent of his, or her Owner, such Person, being thereof convicted, before any Justice of Peace, shall forfeit and pay Fifteen Shillings, or One Hundred and Fifty Pounds of Tobacco, for every such Offence, to the Informer, recoverable with Costs, before such Justice, or, on Failure of present Payment, shall receive on his, or her, bare Back, Twenty Lashes, well laid on, by Order of the Justice, before whom such Conviction shall be: And every Slave, present at any unlawful Meeting, shall be by the Justice, ordered to receive any Number of Lashes, not exceeding Thirty Nine. Punishment of Persons present at unlawful Meetings of Slaves.

XVI. AND that every Justice of Peace within this Colony, upon his own Knowledge of such unlawful Meeting, or Information thereof to him made, within Ten Days after, shall forthwith issue his Warrant, to apprehend the Persons so met, or assembled, and cause them to be brought before himself, or any other Justice of his County, to be dealt with as this Act directs; and every Justice failing herein, shall forfeit and pay Fifty Shillings, or Five Hundred Pounds of Tobacco, for every such Failure; and every Sheriff who shall fail, upon Knowledge, or Information of such Meeting, to endeavour to suppress the same, and bring the Offenders before some Justice of Peace, to receive due Punishment, shall be liable to the like Penalty of Fifty Shillings, or Five Hundred Pounds of Tobacco; both which Penalties shall be to the Informer, and recoverable with Costs, by Action of Debt, in any County Court; and every Under Sheriff, or Constable, who, upon Knowledge, or Information of such Meeting, shall fail to perform his Duty in suppressing the same, and apprehending the Persons so assembled, shall forfeit and pay Two Hundred Pounds of Tobacco for every such Failure, to the Informer, recoverable with Costs, before any Justice of the County wherein such Failure shall be. Duty of Justices, Sheriffs, & Constables, in suppressing unlawful Meetings.

XVII. AND that if any Slave shall presume to come, and be upon the Plantation of any Person whatsoever, without Leave in Writing, from his, or her Owner, or Overseer, not being sent upon lawful Business, it shall be lawful for the Owner, or Overseer of such Plantation, to give, or order such Slave Ten Lashes, on his, or her bare Back, for every such Offence. Slaves going abroad, without Leave, shall be whipped.

XVIII. *AND be it further Enacted, by the Authority aforesaid*, That no Slave shall go from the Plantation, or Seat of Land whereon he, or she, is appointed to live, without a Certificate of Leave, in Writing, from his, or her Owner, or Overseer, or by their express Order: And that no Negroe, Mulattoe, or Indian whatsoever, shall keep, or carry any Gun, Powder, Shot, Club, or other Weapon whatsoever, Offensive, or Defensive, but all and every Gun, Weapon, and Ammunition, found in the Custody or Possession of any Negroe, Mulattoe, or Indian, may be seized by any Person, and upon due Proof thereof made before any Justice of Peace, of the County where such Seizure shall be, shall by his Order, be forfeited to the Seizor, for his own Use; and moreover, every such Offender shall have, and receive, by Order of such Justice, any Number of Lashes, not exceeding Thirty Nine, on his, or her bare Back, well laid on, for every such Offence. Arms & Ammunition, in Custody of a Negroe, Mulattoe, or Indian, may be seized, & the Offender whipped.

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But free Negroes, &c. and all such as live in the Frontiers, may be licensed to keep Arms.

XIX. *PROVIDED nevertheless*, That every free Negroe, Mulattoe, or Indian, being a House Keeper, may be permitted to keep one Gun, Powder, and Shot: And all Negroes, Mulattoes, and Indians, bond or free, living at any Frontier Plantation, may be permitted to keep and use Guns, Powder, Shot, and Weapons, Offensive, or Defensive, by Licence, from a Justice of Peace of the County wherein such Plantations lie, to be obtained upon the Application of free Negroes, Mulattoes, or Indians, or of the Owners of such as are Slaves.

Negroe, Mulattoe, or Indian, lifting his Hand against a Christian white Person, shall have 30 Lashes.

XX. *AND be it further Enacted, by the Authority aforesaid*, That if any Negroe, Mulattoe, or Indian, bond or free, shall at any Time, lift his, or her Hand, in Opposition to any Christian, not being a Negroe, Mulattoe, or Indian, he, or she so offending, shall for every such Offence, proved by the Oath of the Party, before a Justice of Peace, of the County where such Offence shall be committed, receive Thirty Lashes, on his, or her bare Back, well laid on, by Order of such Justice.

Process against out-lying Slaves.

XXI. AND whereas many Times Slaves run away, and lie out hid, and lurking in Swamps, Woods, and other obscure Places, killing Hogs, and committing other Injuries, to the Inhabitants of this Colony, *Be it therefore further Enacted, by the Authority aforesaid*, That in all such Cases, upon Intelligence given of any Slave's lying out, as aforesaid, any Two Justices of the Peace, one being of the *Quorum*, of the County wherein such Slave is supposed to lurk, or do Mischief, shall be, and are impowered and required, to issue Proclamation against all such Slaves, reciting their Names, and Owners Names, if known, and thereby requiring them, and every of them forthwith to surrender themselves; and also impowering the Sheriff of the said County, to take such Power with him, as he shall think fit, and necessary, for the effectual Apprehending such out-lying Slave, or Slaves, and go in Search of them: Which Proclamation shall be published on Two Sabbath Days, at the Door of every Church in the said County, by the Clerk, or Reader, immediately after Divine Service; and in Case any Slave, against whom Proclamation hath been thus issued, and Twice published at any Church as aforesaid, stay out, and do not immediately return Home, it shall be lawful for any Person, or Persons whatsoever, to kill and destroy such Slaves, by any Ways or Means, without Accusation, or Impeachment of any Crime for the same.

Slaves kill'd in executing this Act, shall be valued and paid for by the Public.

XXII. AND that if any Slave shall happen to be killed, in executing such Proclamation, as aforesaid, or in dispersing unlawful Assemblies, Pursuit of Rebels, or Conspirators, or seizing the Arms, or Ammunition, of such as by this Act are prohibited to keep the same, the Court of the County where such Slave shall be so killed, upon Application of the Owner, and due Proof before them made, shall value the Slave so killed, and certify such Valuation to the next Session of Assembly, that a suitable Allowance may be made to the Owner.

Homicide of Slaves, where it's not wilful or malicious, dispunishable.

XXIII. AND that where any Slave shall happen to die, by Reason of any Stroke, or Blow given, during his, or her Correction, by his, or her Owner, or by Reason of any accidental Blow whatsoever, given by such Owner, no Person concerned in such Correction, or accidental Homicide, shall be liable to any Prosecution, or Punishment for the same, unless upon Examination before the County Court, it shall be proved, by the Oath of at least, One lawful and credible Witness, that such Slave was killed wilfully, maliciously, or designedly; and no Person, indicted for the Murder of a Slave, and upon Trial found guilty of Manslaughter only, shall incur any Forfeiture, or Punishment, for such Offence, or Misfortune.

Incorrigable Slaves may be punish'd by Dismembring or otherwise, not touching Life.

XXIV. AND that where any Slave shall be notoriously guilty of going abroad in the Night, or running away, and laying out, and cannot be reclaimed from such disorderly Courses, by the common Methods of Punishment, it shall be lawful for the County Court, upon Complaint, and Proof thereof to them made, by the

the Owner of such Slave, to order and direct such Punishment, by Dismembring, or any other Way, not touching Life, as such Court shall think fit: And if such Slave shall die by Means of such Dismembring, no Forfeiture, or Punishment, shall be thereby incurred. A. D. 1748.

XXV. *PROVIDED always*, That nothing herein before contained shall be construed to bar the Action of any Person whose Slave, or Slaves, shall be killed, by any other Person, or Persons whatsoever, or shall die thro' the Negligence of any Surgeon, or other Person, undertaking the Dismembring, or Cure of any Slave, so punished by Order of Court; but every Owner shall and may have the same Remedy, for the Death, and Loss of his, or her Slave, or Slaves, as he, or she, might have had if this Act had never been made.

But the Owner of Slaves killed by any other Person, or dying thro' Negligence of his Surgeon, may have legal Remedy.

XXVI. *AND be it further Enacted, by the Authority aforesaid*, That no Negroe, Mulattoe, or Indian Slave, shall be set free upon any Pretence whatsoever, except for some meritorious Services, to be adjudged and allowed by the Governor, and Council, for the Time being, and a Licence thereupon first had, and obtained; and if any Slave shall be otherwise set free, it shall be lawful for the Churchwardens of the Parish, wherein he, or she, shall reside the Space of one Month, next after his, or her, being so freed, and they are hereby authorised and required to take up, and sell him, or her, as a Slave, by public Auction, at the next Court held for that County, and to apply the Monies, arising by such Sale, to the Use of their Parish, towards lessening the Levy thereof.

Slaves freed without legal Licence, may be sold by the Churchwardens.

XXVII. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Repealing Clause.

XXVIII. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

Commencement of this Act.

CHAP. XXXIX.

An Act for making Provision against Invasions and Insurrections.

I. WHEREAS the Frontiers of this Dominion, being of great Extent, are exposed to the Invasions of Foreign Enemies by Sea, and Incursions of Indians at Land, and great Dangers may likewise happen by the Insurrections of Negroes, and others, for all which the Militia settled by Law is the most ready Defence! And forasmuch as the Militia of those Counties, where any the Dangers aforesaid shall arise, must necessarily be first employed, and may by the Divine Assistance, be able to suppress and repel such Insurrections, and Invasions, without obliging that of the other Counties to be raised; and it being reasonable, that such Services as shall be performed by any Part of the said Militia, be rewarded at the Public Charge.

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That upon any Invasion of an Enemy by Sea, or Land, or upon any Insurrection, the Governor, or Commander in Chief of this Dominion, for the Time being, shall have full Power and Authority to levy, raise, arm, and muster, such a Number of Forces, out of the Militia of this Colony, as shall be thought needful for repelling the Invasion, or suppressing the Insurrection, or other Danger, and the same to lead, conduct, march, transport, and employ, or by his Lieutenants, Commanders, or other Officers, by him commissionated, to cause to be

The Governor's Authority in Cases of Invasion, or Insurrection.

A. D. 1748.

led, conducted, marched, tranſported, and employed, as well within the ſeveral Counties, and Places to which they belong, as into any other Counties and Places within this Dominion, for the ſuppreſſing and repelling of all ſuch Inſurrections and Invaſions, and ſuch Forces again to diſcharge, and diſband, as the Cauſe of Danger ceaſes.

Militia Officer's Power and Duty.

III. *AND be it further Enacted, by the Authority aforeſaid,* That every Officer of the Militia, to whom Notice ſhall be given of any Inſurrection, or Invaſion, ſhall have full Power and Authority, by Virtue of this Act, and is hereby required, forthwith to raiſe the Militia under his Command, and to ſend immediate Intelligence to the County Lieutenant, or in his Abſence to the chief Commanding Officer, reſiding in the County, and to the next Militia Officer in the ſame County, informing them, at the ſame Time, in what Manner he intends to proceed; and in the mean Time, ſhall keep the Militia under his Command under Arms, until he receives Orders from his ſuperior Officer: And every County Lieutenant, or chief Commanding Officer in any County, to whom ſuch Intelligence ſhall be given, of any Inſurrection or Invaſion, ſhall forthwith diſpatch an Expreſs, to the Governor or Commander in Chief of this Dominion, for the Time being, notifying the Danger, and ſhall therewith ſignify, in the beſt Manner he can, the Strength and Motions of the Enemy; and for that Purpoſe, ſuch County Lieutenant, or other Commanding Officer, hath hereby full Power to impreſs Boats and Hands, Men and Horſes, as the Service may require for the Diſpatch of ſuch Intelligence; and until Orders ſhall arrive from the Governor, ſhall draw together the Militia of his County, in ſuch Place or Places, as he ſhall judge moſt convenient for oppoſing the Enemy.

Penalties on them if they neglect or refuſe to obey Orders.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Officer of the Militia, who upon Occaſion of any Invaſion or Inſurrection, ſhall receive any Orders or Inſtructions, from the Governor or Commander in Chief for the Time being, or from any other his ſuperior Officer, either for calling together the Soldiers, or marching them to any particular Place, ſhall neglect or refuſe to execute ſuch Orders and Inſtructions, in the beſt Manner he is capable, every ſuch Officer ſo neglecting or refuſing, ſhall reſpectively, forfeit and pay the Sum following, that is to ſay, Every Lieutenant of a County the Sum of Fifty Pounds, every Colonel, Lieutenant-Colonel, or Major, Thirty Pounds, and every Captain, Lieutenant, Cornet, or Enſign, Twenty Pounds; and every Soldier who ſhall be ſummoned to appear, upon any ſuch Occaſion, and ſhall fail ſo to do, or ſhall fail to bring with him his Arms and Accoutrements, together with one Pound of Powder, and four Pounds of Ball, ſhall forfeit and pay the Sum of Ten Pounds; one Moiety of all which Forfeitures ſhall go to our Sovereign Lord the King, his Heirs and Succeſſors, for and towards the better ſupplying with Arms that County where ſuch Offence ſhall be committed, and the other Moiety to him or them that will inform or ſue for the ſame, to be recovered with Coſts, by Action of Debt, or Information, in any Court of Record wherein the ſame ſhall be cognizable.

On Soldiers failing to appear, or coming unarmed.

The Manner of impreſſing Proviſions, Carriages, Tools, Workmen, &c. for Military Service.

V. *AND be it further Enacted, by the Authority aforeſaid,* That upon Raiſing or Continuance of Forces as aforeſaid, it ſhall and may be lawful, by Warrant under the Hand and Seal of any County Lieutenant, Colonel, Lieutenant Colonel or Major, commanding any Part of the ſame, to impreſs and take up neceſſary Proviſions, of and from any Perſon or Perſons, and to impreſs and take up Sloops and Boats, neceſſary for the Tranſportation of Forces over Rivers and Creeks, or the main Bay of *Cheſapeak*, together with the Rigging, Tackle, Furniture, and Apparel belonging thereunto, and alſo all Manner of Carts, Waggons, Draught-Horſes, or Oxen, or other Conveniences for the Land-Carriage of Proviſions, great Guns, Arms and Ammunition, from Place to Place, and likewiſe any Manner of Utenſils, Tools or Inſtruments, which ſhall or may be wanted for digging or entrenching, or towards the mounting the great Guns, and making them

them useful: and further, That it shall be lawful, by Warrant as aforesaid to impress able and fit Men, to go in Sloops or Boats, and also any Smith, Wheelwright, Carpenter, or other Artificer whatsoever, which shall be thought useful for the fixing of Arms, making Carriages for great Guns, or doing any other Work whatever, where Need shall be of such Artificer. *A. D. 1748.*

VI. *PROVIDED always*, That it shall not be lawful to make Use of any Provisions, Utensils, Tools or Instruments, so impressed and taken up, until Appraisement thereof hath been made, in Tobacco, by two good and lawful Men upon Oath, nor of any Sloop, Boat, Cart, Waggon, Horses or Oxen, until such Appraisement made of the same, with the Appurtenances belonging thereto, and also an Estimate made by the same Men, of a suitable Allowance in Tobacco, by the Day, for the Use of such Sloop, Boat, Cart, or Waggon, with the Draught Horses or Oxen, and Appurtenances thereto belonging; which every Person so impressing, is hereby required, to cause to be made, and to give a Receipt to the Owner, of every Particular by him impressed and taken up, and certifying how the same was appraised and estimated, and for what Use and Service impressed, upon Pain of being liable to the Action of the Party grieved, for an unlawful Seizure. But Appraisement and Estimate must be first made.

VII. AND for the better Discovery of the Approach of Enemies by Sea, *It is hereby further Enacted*, That in each of the Counties of *Elizabeth-City*, *Princess Anne*, and *Northampton*, at such Times and Places as the Governor or Commander in Chief of this Dominion shall think fit to direct, one Man be appointed by the Chief Officer of the Militia, residing in each of the said Counties respectively, which Man shall keep a constant Look-Out to Seaward, by Night and by Day, and diligently observe the Courses and Motions of all such Ships or Vessels, as they, or either of them, shall discover upon the Coast; and if, upon such Observation, such Person shall suspect the said Ships or Vessels to belong to an Enemy, he shall immediately give Notice thereof to the next Field Officer in his County, who is thereupon to transmit an Account thereof to the Governor or Commander in Chief, and to the County Lieutenant, or chief Commanding Officer of the Militia in the said County. Look-Outs to be appointed for Discovery of Enemies by Sea.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That there shall be raised and paid, by the Public, to the Officers and Soldiers drawn out into actual Service, by Virtue of this Act, and to the Look-Outs appointed in Manner aforesaid, after the Rates following, *to wit*, Militia to be paid by the Public.

Pounds of Tobacco *per* Day.

To the County Lieutenant or Commander in Chief, Seventy.

Horse.		Foot.	
A Colonel,	Sixty.	A Colonel,	Fifty.
Lieutenant-Colonel,	Fifty.	Lieutenant Colonel,	Forty.
Major,	Fifty.	Major,	Forty.
Captain,	Thirty.	Captain,	Thirty.
Lieutenant,	Thirty.	Lieutenant,	Twenty Five.
Cornet,	Twenty Five.	Ensign,	Twenty.
Quarter-Master,	Twenty Five.	Serjeant,	Eighteen.
Corporal,	Twenty Two.	Drummer,	Eighteen.
Trumpeter,	Twenty Two.	Soldier,	Fifteen.
Trooper,	Twenty.		

A Look-Out after the Rate of Two Hundred Pounds of Tobacco *per* Month.

IX. *PROVIDED always*, That for the Pay aforesaid, every Trooper shall find and provide himself with a Horse, and Horse Furniture, Arms and Ammunition; and every Foot Soldier, with a Foot Soldier's Arms and Ammunition; and that when any Part of the Militia, raised as aforesaid, shall be discharged Must find their own Horses, Arms, *&c.* and when discharged in 2 Days, no Pay.

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charged again within two Days, no Pay or Allowance shall be given for the same, but every Man shall bear his own Charges; and when they shall be kept in Service above Two Days, then the whole Time shall be paid for, and allowed as aforesaid.

Messengers to be paid as public Expresses.

X. *AND be it further Enacted, by the Authority aforesaid,* That for any Message sent according to the Directions of this Act, either by Land or Water, the same Allowance shall be made, as is by Law given for other public Expresses.

Artificer's Pay

AND that every Smith, Wheel-Wright, Carpenter, or other Artificer, impressed and employed as aforesaid, shall be paid and allowed by the Public, after the Rates following, *to wit*, every Smith, Fifty Pounds of Tobacco *per* Day, and every Carpenter, Wheel-Wright, or other Artificer, Forty Pounds of Tobacco *per* Day, and every Man impressed to go in a Sloop or Boat, Fifteen Pounds of Tobacco *per* Day: And that the Owner or Owners of any Provisions, Utensils, Tools, or Instruments, impressed as aforesaid, shall be paid for the same, by the Public, according to the Value thereof, upon Appraisement, made as by this Act directed; and that the Owner or Owners, of any Sloop or Boat, Cart or Waggon, with Horses or Oxen, as aforesaid impressed and employed, shall be paid by the Public, for the Use of the same, according to the Estimate thereof, made as herein before required, and in Case such Sloop or Boat be cast away or lost, or any Cart, Waggon, Draught-Horse or Ox, destroyed or killed in the Service, then the Owner or Owners thereof shall be paid for the same according to the Appraisement thereof, and Half the Pay for the Use.

Watermen.

Provisions, Tools, &c.

Vessels and Carriages, Horses and Oxen.

AND if any such Sloop, Boat, Cart, or Waggon, be damnified, or any such Horses or Ox, hurt or disabled in the Service, Satisfaction shall be made to the Owner or Owners thereof, according to the Damage received, besides the Pay for the Use: *Provided always,* That all such Damage shall be inquired and found by two indifferent Persons, upon Oath, to be chosen and appointed by any Justice of Peace of the County where such Sloop, Boat, Cart, or Waggon, so damnified, or Horse or Ox hurt or disabled, shall happen to be.

XI. AND to the End a sufficient Number of Men may be appointed for guarding the Batteries, erected in the several Rivers of this Dominion, and to assist in the better managing the great Guns there mounted, when Occasion shall be, *It is hereby further Enacted,* That it shall be lawful for the Governor or Commander in Chief of this Dominion for the Time being, to appoint and assign such a Number of the Militia, residing next to the several Batteries respectively, as he shall think fit to attend the said Batteries, under the Command of such Officer or Officers, and under such Order and Discipline, as he shall appoint and direct: Which said Militia shall, from thenceforth, be exempted from all private Musters, except at such Battery only.

Guards for the Batteries.

Public Arms.

XII. AND whereas it may be necessary in Time of Danger, to arm Part of the Militia, not otherwise sufficiently provided, out of his Majesty's Magazine, and other Stores within this Colony, *Be it further Enacted, by the Authority aforesaid,* That if any Person or Persons, so armed out of his Majesty's Stores, shall detain or imbezzle any Arms, Accoutrements, or Ammunition, to him or them delivered for the public Service, and shall not produce and re-deliver the same, when ordered and required so to do, it shall be lawful for the respective County Lieutenants, or chief Commanding Officers residing within their Counties, by Warrant under his or their Hands, to commit such Offender to Prison, there to remain till he shall make Satisfaction for the Arms, Accoutrements, or Ammunition, by him detained or imbezzled.

Comencement and Duration of this Act.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall continue and be in Force, from and after the passing thereof, for and during

during the Term of Seven Years, from thence next following, and no longer: And that all and every other Act and Acts, Clauſe and Clauſes, heretofore made, for and concerning any Matter or Thing within the Purview of this Act, ſhall be, and are hereby repealed. *A. D. 1748.* Repealing Clauſe.

CHAP. XL.

An Act to reſtrain the keeping too great a Number of Horſes and Mares, and for amending the Breed.

I. WHEREAS the keeping too many Horſes or Mares, by Perſons who have no Freehold, or Tenancy in Lands, and ſuffer the ſame to run at large upon the Lands of other Perſons, is not only prejudicial to the Breed of Horſes, but alſo to the Stocks of Cattle, and Sheep, of the Freeholders of this Colony: Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That if any Perſon, being an Inhabitant of this Colony, and not having a Freehold of Fifty Acres of Land, or poſſeſſed of, and occupying Lands, or Tenements, of the Value of Twenty Pounds, or not being a Tenant, and occupying Lands, or Tenements, for which he pays Five Hundred Pounds of Tobacco, or Fifty Shillings current Money, or more, annual Rent, ſhall preſume to keep any ſtoned Horſe, or breeding Mare, or any more than one Gelding, or one ſpaid Mare, it ſhall be lawful for any other Perſon, being a Freeholder, or Tenant, qualified according to this Act, to take up, and ſeize, every Horſe, Mare, or Colt, kept contrary to this Act, and running at large, but the Perſon taking up the ſame ſhall give Notice thereof, to the Owner, in Writing, within Three Days after Taking, and Three Days, at leaſt, before the next Court, to be held for the County wherein ſuch Owner lives; and if he, or ſhe, ſhall not appear, at the ſaid Court, and make it appear, That he, or ſhe, is an Inhabitant of ſome Place, not within this Colony, or is a Freeholder, Occupier, or Tenant, as aforeſaid, every ſuch Horſe, Mare, Gelding, and Colt, ſhall be forfeited to the Seizor, for his own Uſe, and he ſhall have the Property thereof; and if ſuch Notice be not given, Three Days before the next Court after ſuch Taking up, the Owner ſhall not be obliged to appear, 'till the Court held next after Expiration of the ſaid Three Days. Who may not keep more than 1 Gelding, or ſpaid Mare. The Forfeiture, and how to be recovered.

III. AND that no Overſeer, not being a Freeholder, in the County wherein he lives, nor any Servant whatſoever, ſhall be Owner of any unſpaid Mare, or keep any Horſe, Mare, or Colt, without the Licence in Writing, of his Maſter, or Miſtreſs; neither ſhall keep more than one, altho' ſo licenced, upon Pain of forfeiting every ſuch Horſe, Mare, or Colt, to any Perſon who will inform for the ſame, recoverable before any Juſtice of Peace of the County wherein ſuch Offence ſhall be committed. Overſeers and Servants may keep one Gelding, or ſpaid Mare, if licenced by their Maſter.

IV. AND for the better improving the Breed of Horſes, *Be it further Enacted, by the Authority aforeſaid,* That no Perſon whatſoever ſhall keep upon any Lands, not having a ſufficient Fence, any ſtoned Horſe, being of the Age of Two Years, or more, and not of the Height of Thirteen Hands, and a Half, each Hand containing Four Inches, Standard Meaſure, from the loweſt Part of the Hoof, of the fore Foot, to the higheſt Part of the Withers, upon Pain of forfeiting every ſuch ſtoned Horſe, found at large, upon any uninclosed Grounds, or Forty Shillings current Money, in Lieu thereof: And it ſhall be lawful for any Perſon being a Freeholder, or Tenant qualified according to this Act, to ſeize any ſuch Horſe found at large as aforeſaid, and bring him before a Juſtice of Peace of the County where ſo taken; and upon Oath before him made, by the Seizor, and one or more credible Witneſs, or Witneſſes, That ſuch Horſe was found and taken up, running at large, upon uninclosed Ground, ſuch Juſtice is hereby authoriſed, Stoned Horſes under 13½ Hands high, two Years old, or more, found at large, may be ſeized. And forfeited to the Seizor.

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authorised, and required, forthwith to cause the same to be measured; and if it shall appear, That such Horse is not of the Size, by this Act required, the Justice shall grant a Certificate thereof to the Seizor, and thereafter he, or she shall, and may have, and keep, such Horse, to his, or her, own Use, as his, or her, own proper Goods and Chattels.

But he must give public Notice.

V. *PROVIDED nevertheless*, That every Person who shall take up such stoned Horse, and obtain Certificate thereof, shall publish Notice of the same, in Writing, affixed at the Doors of the Court-House, of the County, and Church, or Churches, of the Parish wherein such Taking shall be, describing the Marks, Colour, and Brand, of the Horse, so taken up: And if within two Months after such Publication, the Owner of such Horse shall pay, or tender, Forty Shillings current Money, to the Taker up, he, or she, shall accept the same, and restore such Horse to his former Owner.

The Owner may redeem his Horse, by paying 40 *s.* within two Months.

Repealing Clause.

VI. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed.

Commencement of this Act.

VII, *AND be it further Enacted*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of Our Lord, One Thousand Seven Hundred and Fifty One.

CHAP. XLI.

An Act against stealing Hogs.

The Punishment of Hog-stealers, not being Slaves.

First Offence.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That if any Person not being a Slave, shall steal any Hog, Shoat, or Pig, he, or she, shall, for the first Offence, receive on his, or her, bare Back, Twenty Five Lashes, well laid on, at the public Whipping Post of the County where he, or she, shall be convicted, or pay down Ten Pounds current Money, to the Use of the same County, towards lessening that County Levy, and shall moreover, pay Four Hundred Pounds of Tobacco, for every such Hog, Shoat, or Pig, one Half to the Owner thereof, and the other Half to the Informer, to be recovered, with Costs, at the Suit of the Informer, by Action of Debt, in any County Court of this Dominion.

Second Offence.

II. AND if any Person, other than a Slave, shall offend a second Time, and be thereof convicted, he, or she, shall stand two Hours in the Pillory, on a Court Day, at the Court-House of the County where such Conviction shall be, and have both Ears nailed thereto, and, at the End of two Hours, have the Ears cut loose from the Nails; which Judgment the respective County Courts of this Dominion, are hereby impowered to give, and to award Execution thereupon: Saving always, to the Party concerned, Liberty of Appeal to the General Court, such Party giving Bond, with good Security, in the Sum of Twenty Pounds *Sterling*, for his, or her, personal Appearance in the said Court, according to the Appeal, and to perform and abide their Award: And moreover, every such Offender shall pay, and satisfy, Four Hundred Pounds of Tobacco, for every stolen Hog, Shoat, or Pig, to the Owner, and Informer, and to be recovered, as aforesaid; and if there be several Offenders in one, and the same Fact, altho' but one Hog, Shoat, or Pig, be stolen, each Person may be particularly prosecuted, and upon Conviction, shall be adjudged to suffer the Punishment, and pay the whole Fine as aforesaid.

Where several Offenders in one Fact, each of them liable to the Punishment.

III. *AND*

III. *AND be it further Enacted, by the Authority aforesaid,* That if any Servant shall be convicted of Hogstealing, his, or her, Master, or Owner, shall pay and satisfy Four Hundred Pounds of Tobacco, to be recovered, and divided, as aforesaid, whether it be for the First, or Second, Offence, and shall be repaid for the same, and Costs of Suit, by further Service of such Offender, after his, or her Time, due by Indenture, Contract, or former Judgment, shall be expired, at the Rate of One Hundred and Fifty Pounds of Tobacco, for One Month's Service, and Judgment shall be entered up accordingly. How Servants shall pay for Hogstealing.

IV. *AND be it further Enacted, by the Authority aforesaid,* That when any Slave, or Slaves, shall hereafter steal any Hog, Shoat, or Pig, it shall be lawful for any Justice of Peace, of the County where such Offence shall be committed, upon Complaint, or Information thereof, to him made, to cause such Offender, or Offenders, and the Witness, or Witnesses, to come before him, and if, upon Examination, any Slave, or Slaves, appear to be guilty, to commit him, her, or them, to Prison, or bind every such Offender, with Security, to appear personally before the Court, next thereafter to be held, for his County, to answer such Complaint, or Information, and to abide the Judgment of the said Court: And the Justices thereof are hereby required, to direct the Person appointed to prosecute for the King, in the same Court, to exhibit a Charge, or Complaint, in Writing, against such Slave, or Slaves, for such Offence; whereupon it shall be lawful for the said Court to hear, and determine the Matter of such Charge, or Complaint, without any Jury, and to receive, as Evidence against the Slave, or Slaves, so charged, the Confession of the Offender, the Oath of one or more credible Witnesses, or such Testimony of Negroes, Mulattoes, or Indians, bond or free, as to them shall seem convincing: And if, in the Opinion of such Court, the Slave, or Slaves, so charged, is, or are, guilty, every such Offender shall, for the first Offence, receive Thirty Nine Lashes, on his, or her, bare Back, well laid on, at the public Whipping Post; and, upon a second Conviction, shall stand two Hours, in the Pillory, with both Ears nailed thereto, and then cut loose, as is herein before directed: And if any Negroe, Mulattoe, or Indian, (not being a Christian) shall, upon due Proof made, or pregnant Circumstances appearing to any County Court, be found to have given false Testimony, on the Trial of any Slave, for the first, or second Offence of Hogstealing, every such Offender, without further Trial, shall be, by such Court, ordered to receive the same corporal Punishent, as the Slave, tried for Hogstealing, would receive upon Conviction; and the first Justice in Commission, sitting at such Trial, shall before the Examination of such Negroe, Mulattoe, or Indian, charge such Evidence to speak the Truth, and shall also inform him, or her, of the Consequence of giving false Testimony. How Slaves shall be prosecuted, and punish'd, for Hogstealing. First Offence. Second Offence. Punishment of false Witnesses.

V. *AND be it further Enacted, by the Authority aforesaid,* That if any Person whatsoever, shall be the third Time convicted of Hogstealing, every such Offender, shall be adjudged a Felon, and shall suffer Death, without Benefit of Clergy. Third Offence of Hogstealing, Felony, no Clergy.

VI. AND for the more effectual Prevention of Hogstealing, *It is hereby further Enacted,* That if any Person shall bring, or cause to be brought, to his, or her, own, or any other House, or on Board any Ship, Sloop, or other Vessel, any Hog, Shoat, or Pig, without Ears, or shall receive any such, and not immediately discover the same to a Justice of Peace, he, or she, so offending, shall be adjudged a Hogstealer: *Provided nevertheless,* That any Person may bring, or cause to be brought to his, or her, own, or any other House, or on Board any Ship, Sloop, or other Vessel, his or her own Swine, tho' without Ears, he, or she, proving the same to be his, or her, Property. Bringing home Hogs, without Ears, Hogstealing, unless the Party proves his Property.

VII. AND whereas the tributary Indians raise Swine, and are suspected, under Colour thereof, to steal and destroy the Hogs of the other Inhabitants, *Be it therefore* Indians Hogs shall have the Mark of their Town.

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further Enacted, by the Authority aforesaid, That all Indians whatsoever, keeping Swine, shall give them the same Mark which hath been, or by the next adjacent County Court shall be, allowed to the Town to which such Indians respectively belong: And if any Person, not being an Indian, shall buy or receive from any Indian, any Pork, and cannot prove such Pork to be of the proper Mark of the Town of Indians, to which the Indian of whom the same was bought, or received, shall belong, he, or she, so offending, shall forfeit and pay One Thousand Pounds of Tobacco; one Half to the King, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof, the other Half to the Informer, to be recovered, with Costs, by Action of Debt, in any Court of Record of this Dominion.

Penalty on buying Pork from any Indian.

Repeal of 4. *Anne*, C. 14.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That one Act, made in the Fourth Year of Queen *Anne*, intituled, *An Act against stealing Hogs*, be, and is hereby repealed.

Commencement of this Act.

IX. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty One.

CHAP. XLII.

An Act for preventing Losses from Drivers passing with Horses and Cattle through this Colony; and for laying a Duty on Horses imported, and the more effectual preventing of Horse-stealing.

Preamble.

I. WHEREAS divers vagrant People travel through this Colony, from the Northern Provinces, to the Southern, pedling, and selling Horses, and either buy, or steal, great Numbers of Nett Cattle, which in their Return back, they drive through the Frontier Counties, and often take away with them, the Cattle of the Inhabitants, of the said Counties, under Pretence that they cannot separate them from their own Droves, to the great Damage of the said Inhabitants: For Prevention whereof,

The Duty of Drivers of Cattle passing thro' this Colony.

II. *BE it Enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the passing of this Act, every Driver of Nett Cattle shall, immediately after their coming into this Colony, go before the next Justice of the County, and produce to him a true and perfect Manifest, certified under the Hand of a Magistrate, in the Province from whence they last came, wherein shall be distinguished the Sexes, Ages, Marks, and Colours, of all and every such Cattle, and also, at the same Time produce Bills of Sale for them, and particularize the Place of Abode, and Name of the Seller, and make Oath, ' That he knows of ' no more Cattle, in his Drove, than what are mentioned in the Manifest, and ' Bills of Sale:' Which Oath, the Justice shall administer, and certify on the Manifest, and shall enter in a Book, by him to be kept, for that Purpose, a Copy of the said Manifest, and Certificate; and if any Nett Cattle shall be bought, in this Colony, in Order to be driven into any neighbouring Province, the Driver shall produce his Bill of Sale, to the next Justice of the County where they shall be bought, and shall make Oath, ' That the said Bill is true, and that he knows ' of no more Cattle, in his Drove than what are mentioned in the said Bill and ' Manifest,' in Case there be any: Which the Justice shall enter, and certify, in Manner aforesaid, and also shall add a Description of the Cattle so bought, to the Manifest, if any; and the like Method shall be used by the Drivers, and Justices, in all the other Counties, in this Colony, through which they pass, upon their Arrival therein: And if any Driver shall fail herein, he, she, or they, shall

Penalty on Failure.

shall forfeit, and lose, his, her, or their, whole Drove of Cattle. And any Justice of the Peace, upon Complaint to him thereof made, is hereby impowered to issue his Warrant, to the Sheriff, or any Constable of his County, forthwith to raise sufficient Force, and to seize the Cattle, and cause the Driver, or Drivers, to come before him, or any other Justice of the County, who is hereby impowered to hear the Matter, and give a final Judgment therein, and to order the Cattle, if he shall judge them forfeited, to be sold by the Sheriff, in the same Manner as Goods taken in Execution: And the Sheriff shall be allowed the same Fee for the Service, and shall also be allowed for keeping, and providing, for the said Cattle, until they are sold, after the Rate of Two Pence *per* Head, for every Twenty Four Hours, out of the Money arising from the Sale: But in Case any Person, or Persons, other than the Driver, or Drivers, so convicted, or their Employers, shall appear before the Justice before whom the Judgment was obtained, before the Cattle are sold, and shall make his, her, or their, Property, in any of them appear, the Sheriff shall, by Order of such Justice, restore the same to such Owner, or Owners, upon Payment of the Charge of their Keeping: Or if any Owner or Owners shall, within Three Months after the Sale, make their Property appear, as aforesaid, the Sheriff shall pay him, her, or them, by Order of the Justice, for their Cattle, according to the Sale, after deducting a proportionable Part of the Charges; and at the Expiration of the said Three Months, the Money arising from the Sale shall be appropriated, one Moiety to the Churchwardens of the Parish where the Driver shall be convicted, for the Use of the Parish, and the other Moiety to him, her, or them, who did inform or prosecute, and shall be paid them by the Sheriff accordingly; and the Sheriff shall return an Account of the Sales, to the Clerk's Office, to be lodged among the Records of the County.

A. D. 1748.

Sheriff's Fees on the Sale of Catle, sold in Pursuance of this Act.

Persons claiming Cattle seized or sold, shall have Relief.

Appropriation of the Seizure.

III. *PROVIDED always*, That nothing herein contained shall be construed to extend to any of the Inhabitants of this Colony, who shall buy any Nett Cattle, and be driving them Home, or to any Persons coming with their Families, and Stocks, to settle in this Colony.

Persons excepted out of this Act.

IV. AND whereas the Importation of Horses, is of no Advantage to this Colony, the Stock of them being already sufficient for the Inhabitants, and the Importers commonly vagrant People, who drain great Sums of Money out of this Government, and pay nothing towards the Support thereof.

Preamble.

V. *BE it further Enacted, by the Authority aforesaid*, That from and after the passing of this Act, there shall be levied and paid, to our Sovereign Lord the King, his Heirs and Successors, for all Horses, Mares, and Colts, imported, or brought into this Colony, for Sale, either by Land, or Water, from any Place, or Port whatsoever, in *America*, by the Owner, or Importer thereof, Ten Pounds for every such Horse, Mare, or Colt, to be appropriated to such Uses, as the General Assembly shall from Time to Time direct.

Duty on Horses imported.

VI. *AND be it further Enacted*, That the Governor, or Commander in Chief of this Colony, for the Time being, with the Advice of the Council, shall and may appoint such, and so many, Collectors of the Duty imposed by this Act, as he shall think fit; which Collector shall reside near the Frontiers of this Colony, and shall be allowed a Salary of Six in the Hundred, for receiving the said Duty, and shall account for the same to the Treasurer of this Colony, for the Time being, in such Manner, and under such Penalty, as the Collectors of the Duty upon Liquors, are obliged to account.

Collectors, & their Salary.

VII. *AND be it further Enacted*, That the Importers of every Horse, Mare, or Colt, liable to pay Duty, by Virtue of this Act, bringing any such Horse, Mare, or Colt, into any Place, or Port, within this Colony, shall within Six Days next after his Arrival, and before he offers the same to Sale, make a true and just Entry, upon Oath, with the next Collector of the Duty, of the Size,

The Method of Entry, and Payment of the Duty.

Colour,

A. D. 1748.

Colour, Mark, or Brand, of every ſuch Horſe, Mare, or Colt, and alſo of the Name, and Place of Abode, of the Owner, and laſt Owner thereof, and ſhall at the ſame Time pay down the Duty, or give Bond to the ſaid Collector, with one Security, at the leaſt, who ſhall be a known, and reſponſible Inhabitant, or Inhabitants, of this Colony, for the Payment of the ſaid Duty within Three Months: And the Importer failing to make ſuch Entry, pay down the Duty, or give Security, as aforeſaid, or making a falſe Entry, ſhall forfeit and pay One Hundred Pounds; and every Horſe, Mare, or Colt, by him imported, ſhall and may be ſeized by any Magiſtrate, or Officer whatſoever, and ſhall be forfeited and ſold: And if any Collector, or Collectors, of the Duty impoſed by this Act, or any other Perſon, or Perſons, deputed and appointed, by or under them, or any of them, or any other Authority whatſoever, ſhall directly or indirectly, take, or receive, any Bribe, Recompence, or Reward, in any Kind whatſoever, or ſhall connive at any falſe Entry of any Horſes, Mares, or Colts, liable to a Duty, or Cuſtom, by Virtue of this Act, by Means whereof, the Duties or Cuſtoms ſhall be loſt, the Perſon or Perſons therein offending, ſhall forfeit and pay the Sum of One Hundred Pounds, and be for ever afterwards, diſabled in his ſaid Office, and rendered incapable of holding any Office, or Employment, relating to the Cuſtoms, within this Colony, and Dominion; and the Perſon or Perſons giving or paying any ſuch Bribe, Reward, or Recompence, ſhall forfeit and pay One Hundred Pounds.

Penalty on making falſe Entry, or not paying or ſecuring the Duty.

On Officers taking Bribes, or conniving at a falſe Entry.

Drawback upon Exportation in 3 Months.

VIII. *PROVIDED always, and be it further Enacted,* That if the Importer of any Horſes, Mares, or Colts, of which the Duty according to this Act ſhall be paid, or ſecured to be paid, ſhall within Three Months after the Importation thereof, into this Colony, be willing to export the ſame, he ſhall make Oath, before the Collector, with whom at their Importation they were entred, That the Horſes, Mares, or Colts, to be exported, are the ſame that were entred, and that he hath not ſold or ſwapped them ſince their Entry, and that the ſaid Horſes, Mares, or Colts, ſhall be exported out of this Colony, within Three Days, and ſhall not be ſold, or ſwapped therein; and then it ſhall be lawful for the ſaid Collector, and he is hereby required and enjoined, to allow the ſaid Importer the whole Duty, or Cuſtoms, paid for the ſaid Horſes, Mares, or Colts, ſo to be exported, any Thing in this Act contained, to the contrary, in any wiſe notwithſtanding: And every Perſon making a falſe Oath, in this Reſpect, ſhall be liable to and ſuffer the Penalties inflicted by Law, for wilful and corrupt Perjury, and moreover, ſuch Horſes, Mares, or Colts, ſo to be exported, ſhall be forfeited, and ſold.

Collectors ſhall give Receipts, for Duties paid or ſecured.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That every Collector, upon Receipt of the Duty by this Act impoſed, or taking Bond for the ſame, is hereby enjoined and required, to give a Receipt under his Hand, for the Money by him received, or Bond taken, expreſſing the Number of Horſes for which the ſame were paid, or Bond taken, and the Time of Payment or taking thereof, with a Deſcription of ſuch Horſes, to the Perſon paying or giving the ſame: And every Importer, liable to the Payment of the Duty by Virtue of this Act, ſhall, if thereto required, by any Officer, or Magiſtrate, in this Colony, at any Time after the Expiration of Three Days, from the Time of ſuch Importation, produce and ſhow to the ſaid Officer, or Magiſtrate, ſuch Receipt: And if ſuch Importer ſhall fail to produce ſuch Receipt, ſuch Failure ſhall be taken for a Conviction, that the Duty, for which no Receipt ſhall be produced, hath not been duly anſwered, and ſuch Importer ſhall be liable to the Penalties by this Act inflicted, and ſuch Horſes ſhall and may be ſeized and forfeited, for not making an Entry.

Importer not producing the Collector's Receipt, liable to the Penalties of this Act.

Travellers, & Perſons coming to ſettle here, exempted out of this Act.

X. *PROVIDED always,* That nothing in this Act contained, ſhall extend, or be conſtrued to extend, to any Traveller, who ſhall bring with him into this Colony, ſuch Horſes as are neceſſary for his Journey, and ſhall not ſell or

or swap the same in this Colony; or to any Person or Persons, who shall be actually moving their Families and Effects into this Colony, to reside therein. A. D. 1748.

XI. AND whereas the Crime, and Offence, of stealing Horses, is of late Years more frequent, especially in the Frontier Counties of this Colony, to the great Detriment and Loss of many of his Majesty's good Subjects, occasioned for Want of due Prosecution, and Punishment, of Offenders therein, and for Want of Encouragement to such Persons as shall vigorously endeavour the Apprehending of such Malefactors: For Prevention whereof, *Be it further Enacted, by the Authority aforesaid*, That all and every Person and Persons, who shall apprehend, and take any Person, guilty of the Stealing of an Horse, and shall prosecute him, her, or them, so apprehended and taken, until he, she, or they, be convicted thereof, such Apprehenders or Takers, for his, her, or their Reward, shall have and receive the Sum of Ten Pounds, within two Months after such Conviction, to be paid by the Treasurer of this Colony, for the Time being, he, she, or they, tendring to the said Treasurer, under the Hand of the Clerk of the General Court, or Court of *Oyer and Terminer*, a Certificate of the Conviction of such Felon or Felons, for the said Offence, and in what Parish the same was committed; and also, that such Felon or Felons was or were taken by the Person or Persons claiming the said Reward; and in Case any Dispute shall arise between the Parties, so apprehending the said Felons, touching the Right and Title to the said Reward, that then the Judges of the General Court, or Court of *Oyer and Terminer*, before whom the Felon or Felons shall be convicted, respectively, shall, in and by the said Certificate, direct and appoint the Rewards to be paid, to and amongst the Parties claiming the same, in such Shares and Proportions, as to the said Judges shall seem reasonable: And in Case any Person or Persons shall happen to be killed, by any such Horse-Stealer or Horse-Stealers, endeavouring to apprehend, or making Pursuit after him or them, that then the Executors or Administrators, or such Person or Persons, to whom the Right of the Administration of the personal Estate of such Person so killed, shall belong, upon Certificate delivered under the Hands and Seals of two Justices of the Peace of the County where the Fact was committed, of such Person's being so killed, (which Certificate the said Justices, upon sufficient Proof before them made, are required immediately to give) shall receive the Sum of Fifty Pounds, to be paid by the said Treasurer.

Reward for apprehending a Horse-Stealer.

How to be obtained.

Reward to Executors, &c. of Persons killed in Pursuit, or taking the Felon.

XI. AND whereas the Horse-Stealers, in this and the neighbouring Colonies, have established themselves into a Confederacy, for carrying on that most villainous Practice, so that Horses stolen here are usually handed to Persons to sell, at a great Distance from the Place where they were stolen; and at other Times Horses are stolen, and afterwards turned loose, and taken up as Strays, by the Person who stole such Horses, in order to screen themselves from the Penalty of the Law; for preventing which Mischiefs for the Future,

XII. *BE it further Enacted, by the Authority aforesaid*, That no Person or Persons whatsoever, shall pass through this Colony with led Horses, or expose to Sale any Horse, Mare, or Colt, without producing a separate Certificate, under the Seal of the Colony, from whence he, she, or they shall bring the same, setting forth the Size, Colour, Flesh Marks, and Brand of such Horse, Mare, or Colt, together with such Persons Property therein, to any Person or Persons, demanding a Sight of the same. And every Importer of Horses into this Colony, for Sale, shall with every Horse, Mare, or Colt, he, she, or they shall sell, deliver to the Purchaser thereof such Certificate; which Certificate such Purchaser shall in like Manner produce, to any Person or Persons demanding a Sight of the same, and in Case such Importer or Purchaser shall fail, or refuse to produce such Certificate, when thereto required as aforesaid, every Horse, Mare, or Colt, for which no such Certificate shall be produced, shall be forfeited.

Horses imported for Sale, or sold, without Certificate, forfeited.

A. D. 1748.

Accessaries in Horse-stealing

XIV. AND forasmuch as Felons are much encouraged to steal Horses, because a great Number of Persons make a Trade, to receive and buy of such Felons the Horses by them feloniously taken, and also do make it their Business to conceal such Offenders, after the said Fact, knowing such Felonies to be by them committed; *Be it therefore Enacted, by the Authority aforesaid,* That if any Person or Persons shall receive, or buy, any Horse that shall be feloniously taken, or stolen, from any other Person, knowing the same to be stolen; or shall harbour or conceal any Horse-Stealer, knowing him, her, or them to be so, such Person or Persons shall be taken and received as Accessary, or Accessaries to the said Felony, and being of either of the said Offences legally convicted, by the Testimony of one or more credible Witness, or Witnesses, shall incur and suffer the Pain of Death, as a Felon convict.

May be prosecuted, altho' the principal Felon be not convicted.

XV. *PROVIDED always,* That if any such principal Felon cannot be taken, so as to be prosecuted and convicted of any such Offence, yet nevertheless it shall and may be lawful, to prosecute and punish every such Person and Persons, buying or receiving any Horses stolen, by any such principal Felon, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict, altho' the principal Felon be not before convict of the said Felony, which shall exempt the Offender from being punished as Accessary, if such principal Felon shall be afterwards taken and convicted.

XVI. *AND be it further Enacted,* That the several Forfeitures which shall or may arise, by Virtue of this Act, in Respect of the Duty on Horses, shall be divided into two equal Parts, one Moiety whereof shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof, and the other Moiety to him or them that will inform and prosecute for the same, to be recovered with Costs, by Action of Debt or Information, in any Court of Record within this Colony, wherein no Essoin, Protection, Wager of Law, or more than one Imparlance shall be allowed.

Repealing Clause.

XVII. *AND be it further Enacted, by the Authority aforesaid,* That one Act of Assembly, made in the Eighteenth Year of his present Majesty's Reign, intituled, *An Act for continuing and amending an Act for preventing Losses from Drivers, passing with Cattle through this Colony, and for laying a Duty on Horses*; and all and every other Act and Acts, relating to any Thing within the Purview of this Act, shall be, and the same is and are hereby repealed and made void, any Thing in the said Act or Acts contained to the contrary, in any wise notwithstanding.

CHAP. XLIII.

An Act for repealing several Acts of Assembly therein mentioned.

The Titles of Acts hereby repealed.

WHEREAS the several Acts of Assembly, herein after mentioned, are become either useless, obsolete, or otherwise provided for: *Be it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the said several Acts of Assembly herein after mentioned, that is to say, the following Acts continued or made in the Thirteenth Year of the Reign of King *Charles* the Second, *to wit,* Chapter the Fourteenth, intituled, *Burial of Servants or others privately, prohibited*; Chapter the Sixty First, intituled, *Judgment before Commissioners*; Chapter the Sixty Second, intituled, *Persons removing into the Bay*; Chapter the Sixty Third, intituled, *English Weights and Measures*; Chapter the Sixty Seventh, intituled,

Orphans

Orphans Land not to be aliened; Chapter the Seventieth, intituled, *Seating upon others Dividends*; Chapter the Hundred and Twelfth, intituled, *Two Acres of Corn for each Tithable*; Chapter the Hundred and Sixteenth, intituled, *Exportation of Money*; alſo, An Act made in the Fourteenth Year of the ſaid King's Reign, intituled, *An Act againſt Perſons that refuſe to have their Children baptized*; alſo, One other Act made in the ſame Year, intituled, *An Act for Puniſhment of ſcandalous Perſons*; alſo, An Act made in the Fifteenth Year of the ſame Reign, intituled, *An Act concerning the Northern Indians*; alſo, One Act made in the Eighteenth Year of the ſaid Reign, intituled, *An Act commanding Law Books to be provided for each County*; alſo, An Act made in the Twentieth Year of the ſame Reign, intituled, *An Act impowering County Courts to build Workhouſes, aſſiſted by the Veſtries*; and One other Act made in the ſame Year, intituled, *An Act concerning the Property of Tobacco*; alſo, An Act made in the Twenty Fourth Year of the ſame King, intituled, *An Act for ſuppreſſing Vagabonds and diſpoſing of poor Children to Trades*; alſo, An Act made in the Twenty Sixth Year of the ſame Reign, intituled, *An Act prohibiting the Juſtices of the ſeveral County Courts from levying Tobacco upon the People for their Accommodation and Expences, whilſt they are keeping Court*; alſo, An Act made in the Thirty Second Year of the ſame Reign, intituled, *An Act reviving and reinforcing An Act made at* James-City *the Twentieth Day of* October, *One Thouſand Six Hundred and Sixty Five, and putting the ſame in due Execution*; alſo, An Act made in the Thirty Fourth Year of the ſame Reign, intituled, *An Act impoſing further Penalties upon any Perſon or Perſons that ſhall publiſh or declare, That the Acts of Aſſembly of* Virginia, *are not in Force*; alſo, An Act made in the Thirty Sixth Year of the ſame Reign, intituled, *An Act for the better Preſervation of the Peace of* Virginia, *and preventing unlawful and treaſonable Aſſociations*; alſo, An Act made in the Third Year of the Reign of King *William*, and Queen *Mary*, intituled, *An Act declaring the Duty of Tanners, Curriers, and Shoemakers*; alſo, An Act made in the Fourth Year of the Reign of Queen *Anne*, intituled, *An Act for Encouragement of the Land Frontiers*; alſo, One other Act made in the ſame Year, intituled, *An Act to prevent Indians hunting or ranging upon patented Lands*; ſhall be, and the ſaid ſeveral recited Acts of Aſſembly are hereby repealed, and made void, to all Intents and Purpoſes, as if the ſame had never been made. A.D. 1748.

CHAP. XLIV.

An Act concerning Strays.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That every Perſon who ſhall take up any Stray Horſe, Mare, or Nett Cattle, or any Sheep, Goats, or Hogs, or Boat, or other Veſſel a-drift, ſhall cauſe a Deſcription of the Marks, Brand, Stature, and Colour, of ſuch Horſe, Mare, or Cattle, the Mark, and Colour, of ſuch Sheep, Goat, or Hog, and the Burthen, and Built, of ſuch Boat, or other Veſſel a-drift, to be publickly affixed at the Court Houſe of his, or her County, on Two ſeveral Court Days, next after taking up the ſame, and, for a Reward of taking up, ſhall be paid by the Owner, Five Shillings, for every ſuch Horſe, Mare, Head of Cattle, Boat, or other Veſſel; and One Shilling for every Sheep, Goat, or Hog: And every Perſon taking up any Stray, or Veſſel a-drift, and failing to give ſuch Notice, or making Uſe of any ſuch Stray, or Boat, or other Veſſel, ſhall forfeit Fifteen Shillings, current Money, to the Informer, recoverable, with Coſts, before any Juſtice of the County where the Offence ſhall be committed, and ſhall moreover pay double Damages to the Owner.

Perſons taking up Strays, or Veſſels a-drift ſhall advertiſe the ſame.

Rewards for Taking up.

Penalty on Failure to advertiſe, or making Uſe of the Stray, or Veſſel.

II. *AND be it further Enacted, by the Authority aforeſaid,* That if no Owner ſhall appear, after Notice Twice publiſhed as aforeſaid, the Taker up ſhall make Application to a Juſtice of his County, who is hereby impowered, thereupon

The Method to be taken where no Owner appears.

A.D. 1748.

thereupon to issue his Warrant, directed to any Three honest House Keepers of the Neighbourhood, who having first taken an Oath, before the said Justice, shall view and appraise such Stray, or Boat, or other Vessel, and then the Property thereof shall be vested in the Taker up, but he shall nevertheless be answerable for the Valuation Money to the Owner, at any Time afterwards, deducting the Reward for taking up: And where the Valuation exceeds Twenty Shillings, the Taker up, shall send a Description of such Stray, or Boat, or other Vessel, to the Printer to be advertised Three Times in the *Virginia* Gazette, and if no Owner shall claim the same within Six Months after Appraisement, the Property shall be vested in the Taker up, but for the Valuation Money he shall be answerable to the Owner at any Time afterwards, deducting only Five *per Centum* for taking up, and the Charge of advertising, for which the Printer may demand and take Two Shillings for the First Advertisement, and One Shilling for every Advertisement thereafter, and no more.

And where the Value exceeds 20 s.

Printer's Fee for Advertisements.

Taker up not answerable for Death, or Loss of the Stray.

Who may not take up, or use any Stray, under Penalty of 20 s. or 20 Lashes.

III. *PROVIDED always*, That if after Notice published as aforesaid, any Stray shall happen to die, or get away, or any Boat or Vessel taken up, shall break loose, or get away, before the Owner thereof shall make Claim, and prove his, or her Right, the Taker up shall not be answerable for the same: And if any Person, not being a Freeholder, House Keeper, or Overseer, shall presume to take up, or make Use of any Stray, or Boat, or other Vessel a-drift, he, or she so offending shall, for every such Offence, forfeit and pay Twenty Shillings, to the Informer, recoverable with Costs, before any Justice of Peace of the County where such Offence shall be committed; and upon Failure of Payment, or giving Security for Payment, within One Month after Conviction, such Offender shall, by Order of the Justice, receive Twenty Lashes on his, or her bare Back, well laid on.

Repealing Clause.

IV. *AND be it further Enacted, by the Authority aforesaid*, That one Act made in the Fourth Year of Queen *Anne*, intituled, *Anc At concerning Waifts and Strays*, shall be, and is hereby repealed.

Commencement of this Act.

V. *AND be it further Enacted*, That this Act shall commence and be in Force from and immediately after the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One.

CHAP. XLV.

An Act concerning the Public Prisons, and directing the Method of appointing the Keeper thereof.

East End of the Public Prison to be for Debtors, *West* End for Criminals.

I. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the Two Rooms at the *East* End of the now Public Goal be appropriated and kept, for the receiving and safe Keeping of Debtors committed, or to be committed, by the General Court; of which Prison the Judges of the said Court, or the major Part of them, are hereby impowered to lay out and appoint Rules: And that the *West* End of the said Building be appointed and kept, for the Receiving and safe Keeping of Criminals committed to the Public Goal.

Governor to appoint a Keeper, who is to give Bond.

II. *AND be it further Enacted, by the Authority aforesaid*, That the Governor or Commander in Chief of this Dominion, for the Time being, shall be, and is hereby authorised and impowered to nominate and appoint, from Time to Time, some fit and able Person, to be Keeper of the said Public Prisons; but the Person so appointed shall, within One Month after his Appointment, and in some Court of Record, enter into Bond, with sufficient Security to the King, his Heirs and Successors, in the Sum of Five Hundred Pounds current Money, for the due Execution

ecution of his Office: Which Bond shall be returned to the then next succeeding General Court: And if the Securities shall, by the said Court, be judged insufficient and other good Security be not then tendered and given, another Person giving Bond and Security as aforesaid, shall be appointed in his Room: And if any Person shall presume to execute the said Office, without giving such Bond and Security, he shall forfeit and pay Twenty Pounds current Money, for every Month he shall execute the same; one Moiety of which Forfeiture shall be to the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof; the other Moiety to the Informer: To be recovered with Costs, by Action of Debt, or Information, in any Court of Record of this Dominion. And that the Person who shall be Keeper at the Time of passing this Act, shall within One Month, give the like Bond and Security; and on Failure thereof shall be incapable to hold the said Office, and liable to the Penalty aforesaid, for presuming to execute the same: To be recovered and divided in Manner aforesaid. And that every Keeper of the said Public Prisons, shall constantly attend and execute the Commands of the General Court, from Time to Time, and receive and take into his Custody all, and every Person and Persons, by the said Court to him committed, on *mesne* Process, or in Execution, in any civil Cause or Action, or for any Contempt of the Court; and such Person and Persons shall keep, in his safe Custody, until he, she, or they, be thence lawfully discharged; and may demand and receive of such Prisoner and Prisoners the Fees and Allowances settled, or to be settled, by Law, from Time to Time; but where any such Prisoner shall be so poor, as not to be able to maintain and subsist him or herself in Prison, there shall be allowed Six Pence *per* Day, and paid by the General Assembly, for Relief and Maintenance of such poor Prisoner; and no Fee or Security whatsoever shall be taken or demanded of him, or her; neither shall it be lawful for the said Keeper, or any other Person, to detain or keep such poor Prisoner in Custody, for his or her Prison Fees: And that all Criminals and other Prisoners, by legal Warrant committed to the Public Goal, shall be received by the said Keeper thereof, and in his Custody safely kept, until he, she, or they be thence discharged, by due Course of Law. And that the Keeper of the said Public Prisons, for the Time being, shall during his Continuance in Office, be exempt and free from all Musters of the Militia, and from serving on any Jury; and for his Attendance, and Keeping the Public Prisons and Prisoners, shall have such Allowance as by the General Assembly shall be thought reasonable.

Penalty for acting without giving Bond.

Present Keeper to give Security.

Duty, Fees, & Privileges of the Keeper.

III. *AND be it further Enacted, by the Authority aforesaid,* That so much of one Act made in the Tenth Year of Queen *Anne*, *For building a Prison for Debtors, to be committed by the General Court*; and one other Act made in the Eighth Year of King *George* the First, *For making the Public Prisons in* Williamsburg *more convenient; and for building a House for the Keeper thereof,* as is contrary to this Act; and all and every other Act and Acts, Clause and Clauses, heretofore made for and concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Repealing Clause.

CHAP. XLVI.

An Act for encouraging Adventurers in Iron-Works.

I. WHEREAS the making of Iron, within this Colony, tends to the Increase of the Navigation and Commerce of *Great-Britain*, as well as the Benefit of His Majesty's Subjects here, and therefore, by the Laws hitherto in Force, suitable Encouragements have been given, from Time to Time, to to such Persons who, at their considerable Expence, have erected Furnaces and other Works for that Purpose; and it being reasonable, That such Encouragements should be continued.

Preamble.

A. D. 1748.

Convenient Roads to and from Iron-Works, ſhall be laid out & kept by the Owners.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That upon Application made to any County Court, by the Owner, Owners, or Chief Manager of any Iron-Works, within their County, ſuch Court ſhall order and appoint good Roads to be laid out and made, from ſuch Works to the neareſt Place upon ſome navigable River, or Creek, where the Iron, made at ſuch Works, may be brought and ſhipped off, and for the bringing from thence Stone, and other Materials, for carrying on ſuch Works; and alſo, for the tranſporting or carrying Wood, Coal, Oar, or Stone, from any Place or Places to ſuch Furnaces; and ſhall alſo order ſuch Cauſeways and Bridges, as ſhall be neceſſary for Wheel-Carriages to paſs with the moſt Eaſe, to and from ſuch Iron-Works: Which Roads, Cauſeways, and Bridges, ſhall be cleared, made, and repaired, from Time to Time, by the Owners of ſuch Iron-Works, for whoſe Benefit the ſame ſhall be appointed.

Perſons employed in Iron-Works exempted from clearing other Roads.

III. *PROVIDED always,* That all Roads heretofore, or hereafter ordered, by the General Court, or any County Court, for Public Uſe and Conveniency, ſhall be cleared and maintained by the reſpective Surveyors thereof, as Public Roads; and that all Perſons whatſoever, employed in and about any Iron-Works, now erected, or hereafter to be erected, ſhall be exempted from the Duties of clearing, amending, and repairing any Highways, or Bridges, except ſuch as are or ſhall be laid out and made, for the Uſe and Conveniency of ſuch Iron-Work, and from clearing Rivers and Creeks, ſo long as they ſhall continue to be ſo employed, and no longer.

May take Timber for Bridges.

IV. AND for the better making and repairing the Roads, and Bridges, to and from any Iron-Works, *It is further Enacted,* That the Overſeers or Managers of ſuch Works, have Power and Authority, from Time to Time, to cut down, take, and uſe, ſo much Wood, and Timber, adjoining or contiguous to the Roads already laid out, or hereafter to be appointed, for the Benefit and Conveniency of their reſpective Works, as ſhall be neceſſary for the making and repairing convenient Bridges on the ſaid Roads; but ſhall not cut down, or take any Timber, fit to make Clap-Boards, without the Conſent of the Proprietor thereof, firſt had and obtained; and ſhall make Satisfaction to the Proprietor of ſuch Timber, as ſhall exceed Fifteen Inches Diameter at the But-End of the Tree, and if the Value thereof cannot be agreed upon, between the Manager of the Iron-Work, and the Proprietor of ſuch Timber, or his, or her Attorney, or Agent, he, or ſhe may apply to a Juſtice of Peace of the County where ſuch Timber ſhall be, who is hereby impowered and required, to order and appoint Three honeſt diſintereſted Freeholders thereof, to value the ſame upon Oath, in current Money, without Fee or Reward, and to report ſuch Valuation to himſelf, or ſome other Juſtice of the ſame County; and thereupon the Owner or Manager of ſuch Iron-Work ſhall be compellable to pay ſuch Valuation, to the Proprietor of the Timber, his, or her Attorney, or Agent.

Exempted from Muſters.

V. AND as a further Encouragement to Adventurers in Iron-Works, *Be it Enacted, by the Authority aforeſaid,* That all Perſons whatſoever, which are, or ſhall be employed in and about the Building, or Carrying on any Iron-Work, already erected, or hereafter to be erected, or in cutting of Wood, making Coal, raiſing Oar, or any other Thing neceſſary for carrying on ſuch Work, ſhall, during the Time of their being ſo employed, be exempted from ſerving in the Militia, at any General or Private Muſter, except in Caſe of any Invaſion, Inſurrection, or Rebellion.

And Levies, for 7 Years.

VI. AND that all tithable Perſons, who ſhall be ſo employed in or about any Iron-Work, which ſhall be at any Time hereafter erected, ſhall for the Term of Seven Years from and after the Beginning of ſuch Works, and Notice thereof given by the reſpective Owners or Managers, to the Court of the County wherein

wherein such Furnace, or other Works aforesaid, are intended to be erected and carried on, be exempted and discharged from the Payment of public Levies, but subject to the Payment of Parish and County Levies; which nevertheless, during the said Term of Seven Years after Notice given as aforesaid, shall be repaid to such Owners respectively, by an Allowance and Credit to be given them in the public Levy, for so much Tobacco as such Parish and County Levies shall amount unto. *A. D.* 1748.

PROVIDED nevertheless, That the respective Owners or Managers of such Work or Works, shall, upon or within Twenty Days after the Tenth Day of *June* in every Year, give a List of all the Persons so to be employed about such Work or Works, to the Person appointed to take the List of Tithables, in the Precinct where they shall respectively live or be employed, or otherwise they shall not be entitled to any Exemption or Allowance for that Year. But must be listed as Tithables.

VII. AND that if any of the Persons, so to be exempted as aforesaid, shall be employed in the planting or making of Tobacco, the Owner or Owners of such Work or Works, shall for that Year, lose the Benefit of the Exemption and Allowance aforesaid for all the Persons employed in and about such Work or Works: And moreover, if the same shall be done with his or their Knowledge and Consent, shall forfeit Five Hundred Pounds of Tobacco, for every Person above the Age of Sixteen Years, constantly residing upon the Plantation or Plantations where such Tobacco shall be so planted or made; and if the same shall be done without his or their Knowledge or Consent, the Overseer of such Plantation or Plantations, shall be liable to the same Penalty; to be recovered with Costs, by Action of Debt, in any Court of Record of this Colony, where the same shall be cognizable; one Moiety of which Forfeitures shall be to the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, the other Moiety to the Informer. Penalty on planting Tobacco.

VIII. *PROVIDED also*, That nothing in this Act contained, shall be construed to extend to such Person or Persons, who shall sell Wood to the Owner, or Owners, or Managers of any Iron-Work, and shall employ his, her, or their own Servants, or Slaves to cut the same. Proviso.

IX. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be and are hereby repealed. Repealing Clause.

X. *AND be it further Enacted*, That this Act shall commence and be in Force, from and immediately after the Tenth Day of *June*, which shall be in the Year of Our Lord, One Thousand Seven Hundred and Fifty One. Commencement of this Act.

CHAP. XLVII.

An Act for regulating the Practice of Attornies.

I. FOR the better regulating Attornies practising in the several Courts of this Colony, *Be it Enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same*, That the Judges of the General Court for the Time being, shall, and they are hereby impowered and required, to nominate and appoint, from Time to Time, such, and so many of the Council learned in the Law, and Attornies practising in the said Court, as they shall think fit, to examine into the Capacity, Ability, and Fitness, of such Persons as shall, from Time to Time, apply for a Licence, to practise as Attornies in the County Courts, or other inferior Preamble. Examiners to be appointed by the General Court.

inferior

A. D. 1748.

rior Courts of this Colony; and shall cause such Nomination and Appointment to be entered in the Records of their Court; which Persons, so nominated and appointed, shall, at the Time of their Nomination make Oath, before the General Court, That they will well and truly examine into the Capacity, Ability, and Fitness of all such Persons as shall make Application to them for a Licence, to practise as Attornies, and that they will not grant a Licence to any Person who shall not upon Examination, to the best of their Knowledge, be found sufficiently qualified, to practise as an Attorney, as aforesaid.

And there sworn.

Method of obtaining a Licence to practise as an Attorney.

II. *AND be it further Enacted, by the Authority aforesaid,* That every Person desiring a Licence to practise as an Attorney, as aforesaid, shall, before he be examined, produce to the Examiners a Certificate, from some County Court, or other inferior Court, wherein he intends to practise, of his Probity, Honesty, and good Demeanor; and shall also pay down, to such Examiners, the Sum of Twenty Shillings; after which it shall, and may be lawful for such Examiners, and they are hereby impowered and required, to proceed to make such Examination, and to grant such Licence as aforesaid, under their Hands and Seals, or to refuse such Licence to the Person so examined, according as he shall appear fit and qualified, or not, upon such Examination. And if the Persons appointed by the General Court, as aforesaid, shall refuse to be sworn, as aforesaid, or being sworn, shall grant any Licence for the Office of an Attorney to any Person applying to them, without producing such Certificate as herein before directed, or shall accept of, or receive any greater Fee or Reward for the same, than before mentioned, they shall, respectively, for every such Offence, forfeit and pay One Hundred Pounds; One Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will inform or sue for the same: To be recovered with Costs, by Action of Debt or Information, in any Court of Record within this Colony. And every Person obtaining a Licence as aforesaid, before he shall be admitted to practise as an Attorney, in any County Court, or other inferior Court, shall, before every such Court, take the Oaths appointed by Law to be taken, instead of the Oaths of Allegiance and Supremacy, and take and subscribe the Oath of Abjuration, and subscribe the Test, and shall also take the Oath of an Attorney, as follows, *to wit.*

Penalty on Examiners.

Attornies to be sworn.

I A. B. *do swear, That I will truly and honestly demean myself, in the Practice of an Attorney, according to the best of my Knowledge and Ability.*

So help me God.

Penalty for practising without a Licence or without qualifying

And if any Person whatsoever shall presume to practise as an Attorney, in any such County Court, or other inferior Court, without a Licence first obtained, or without qualifying himself in such Court, in the Manner in this Act before-mentioned, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds, for every Cause he shall prosecute or defend, in any of the said Courts; one Moiety to his Majesty, his Heirs and Successors, for defraying the contingent Charges of this Government; and the other Moiety to the Informer: To be recovered by Action of Debt or Information, in any County or other inferior Court, in this Colony.

Convicts declared incapable of obtaining a Licence.

III. ***PROVIDED** always,* That no Person that hath been, or hereafter shall be convicted of any felonious Crime, or Crimes, shall be capable to obtain such Licence: And where any Person, convicted of any felonious Crime, shall obtain a Licence, the Judges of the General Court, upon Proof thereof made to them, shall, by their Order, supersede his Licence.

Gen. Court may suspend or

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Attorney shall misdemean himself, and act contrary to his Duty, in his Practice, the Judges

Judges of the General Court, upon Complaint and Proof thereof made before them, may, by their Order, supersede such Attorney's Licence, suspend him for a Time, or disable him for ever, from practising as an Attorney, as they shall think just, without the Solemnity of a Jury.

A. D. 1748. or disable Attornies misdemeaning themselves.

V. *PROVIDED always, and it is hereby Enacted, and Declared,* That this Act, or any Thing therein contained, so far only as relates to obtaining Licence, shall not be construed to extend to any Barrister at Law, or any Attorney, now practising in the General Court, or any Attorney, who hath heretofore been examined, and obtained a Licence, pursuant to the Laws then in Force, to practise the Law.

This Act not to extend to Barristers or Attornies heretofore licensed.

VI. *PROVIDED also,* That nothing in this Act contained shall be construed to hinder the Justices of any County Court, or other inferior Court, from causing any Attorney practising in such Courts, to find Security for their good Behaviour, or fining such Attornies, for Misdemeanours, or Contempts against them, in the same Manner as if this Act had never been made.

County Courts may fine Attornies for Contempt, or bind them to their good Behaviour;

VII. *AND be it further Enacted,* That if any Attorney in any County Court, or other inferior Court, shall, wittingly or willingly, be guilty of any Neglect, in any Cause, the Court before whom such Cause shall be depending, upon Complaint, and Proof thereof made, within Six Months after such Neglect, shall have Power and Authority to order such Attorney to pay all Costs occasioned by such Neglect.

and may order them to pay Costs occasioned by their Neglect.

VIII. AND to prevent frivolous Suits in the General Courts, and trifling and vexatious Appeals from the County Courts, and other inferior Courts; *Be it further Enacted, by the Authority aforesaid,* That no Attorney practising in the General Court of this Colony, during the Time of his practising therein, shall be admitted or suffered to prosecute or defend any Cause or other Matter, in any County Court, or other inferior Court depending: And if any such Attorney shall presume to Act contrary hereto, he shall, for every Cause he shall so prosecute, or defend, forfeit and pay the Sum of Twenty Pounds; one Moiety to the Party against whom he shall prosecute or defend such Cause; the other Moiety to the Informer: To be recovered with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Dominion.

General Court Attornies not to practise in County Courts, under a Penalty;

IX. *PROVIDED nevertheless,* That such Attorney shall be at Liberty to finish such Causes in which he was before employed, in any such Courts, without incurring the Penalties inflicted by this Act.

but may finish the Causes in which they are employed.

X. *PROVIDED also,* That nothing herein contained shall be construed to extend to any Barrister at Law, or to prevent any Attorney of the General Court from practising in the County Courts of *James-City, York, Warwick, Elizabeth-City,* and *Gloucester,* or in the Court of Hustings, in the City of *Williamsburg.*

Some inferior Courts excepted out of this Act.

XI. *AND be it further Enacted, by the Authority aforesaid,* That the Judges of the General Court shall not permit, or suffer, more than Two Lawyers to argue on One Side, in any Cause hereafter to be commenced, except in Cases of Life and Death.

No more than 2 Lawyers to argue on a Side, in the General Court

XII. *AND be it further Enacted,* That all and every other Act and Acts, Clause and Clauses, for or concerning any Matter or Thing within the Purview of this Act, shall be, and they are hereby repealed: And that this Act shall commence from, and immediately after, the Tenth Day of *October* next; and shall continue, and be in Force, for and during the Term of Four Years, from thence next following, and from thence to the End of the next Session of Assembly.

Former Acts repealed.

When this Act shall commence & how long continue.

A. D. 1748.

CHAP. XLVIII.

An Act for encouraging the making Tar, and Hemp.

Preamble.

I. WHEREAS the making good and merchantable Tar, and Hemp, fit for Exportation, will be not only beneficial to the Inhabitants of this Colony, but also, by the Supply of such Naval Stores, advantageous to the Navigation and Commerce of *Great-Britain*: To the End therefore, That the Makers thereof may have suitable Encouragement,

Præmium of 2 *s.* for every Barrel of Tar, and of 4 *s.* for every 100 *lb.* Weight of Hemp, made according to Directions of this Act, to be allowed the Maker.

II. BE *it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That there shall be paid to the Person and Persons who shall make, or cause to be made, good and merchantable Tar, made from green Trees, prepared after the following Manner; that is to say, That when the Trees were fit to bark, the Bark thereof was stripp'd Eight Feet or thereabouts, up from the Root of each Tree, a Slip of the Bark about Four Inches broad being left on one Side of each Tree; and that each Tree, after being so barked, had stood One Year at least, and was not before that Time cut down, for the making of Tar; and to such Person and Persons who shall make, or cause to be made, within this Colony Hemp, Winter or Water-rotted, dry, bright, and clean, the several Rewards following, *to wit*, For every Barrel of Tar, made as before directed, Two Shillings; and for every gross Hundred of Hemp, made as aforesaid, Four Shillings.

Method of obtaining the *Præmium* for Tar,

III. AND *be it further Enacted, by the Authority aforesaid,* That before any Person shall be entitled to the said Reward for Tar, the Maker thereof shall deliver a Note in Writing, specifying the Mark and Number of each Barrel to a Justice of Peace, of the County where the same was made, and shall, before him, make Oath, That the same is good, and merchantable, and according to the Directions of this Act; and that each Barrel doth contain Thirty-Two Gallons of Nett Tar, and that it was made on his Land, in the said County, or at what Place, therein particularly describing the same; and that he, nor any other Person for him, hath obtained a Certificate, or received a Reward or *Præmium* for the same: Which Oath such Justice is hereby authorised and required to administer, and to grant a Certificate of the same being before him made; and the Person intending to export such Tar, shall produce such Certificate to the Naval Officer, or Collector, of the District wherein the same shall be brought for Exportation; and also, before him make Oath, that the Tar, he intends to export is the same as is mentioned in such Certificate: Which the said Naval Officer, or Collector, is hereby required to certify to the Governor, or Commander in Chief of this Dominion, for the Time being, who is hereby impowered and desired thereupon to issue his Warrant, to the Treasurer of this Colony, for Payment of such Sum and Sums as shall appear due by Virtue of this Act. And for obtaining the aforesaid *Præmium* or Reward, upon Hemp,

and for Hemp.

IV. BE *it further Enacted, by the Authority aforesaid,* That any Justice of Peace, or Constable, of any County wherein Hemp shall be made, may and shall, upon Application of the Maker or Owner thereof, truly weigh all such Hemp as to him or them shall be offered, and desired to be weighed, and shall give a Certificate to the County Court of the true Quantity so weighed, and the Name of the Maker or Owner thereof; for which such Justice or Constable shall have and receive, of such Maker or Owner, Five Shillings *per* Ton, and so proportionably for a greater or less Quantity; which Certificate being produced to such County Court, and Oath made before them, by the Maker or Owner, That the Hemp therein mentioned was duly weighed; and that, at the Time the same was so weighed, it was Winter or Water-rotted, dry, bright, and clean, and made upon his or her Plantation, in such County, or on what Plantation the same was made, That he, nor any other Person for him, hath obtained a Certificate, or received a Reward or *Præmium* for the same; the Clerk of such Court shall certify

certify the same to the Governor, or Commander in Chief of this Dominion, for the Time being; who, upon the Party's producing such Certificate, is hereby impowered and desired to issue his Warrant, to the Treasurer of this Colony, for the Payment of such Sum or Sums as shall appear to be due, by Virtue of this Act: And if any Person whatsoever shall take a false Oath, in obtaining any Certificate, whereby to entitle him or herself to any *Præmium* or Reward given by this Act, he or she so offending, and being thereof convicted, shall forfeit and pay Four Times the Money obtained, by Means of such false Oath, to the Informer: To be recovered with Costs, by Action of Debt or Information, in any Court of Record where the same shall be cognizable; and, moreover, shall suffer as for wilful and corrupt Perjury.

A.D. 1748.

Penalty on Persons taking a false Oath to entitle them to the Rewards.

V. *AND be it further Enacted, by the Authority aforesaid,* That the Treasurer of this Colony, for the Time being, shall be, and is hereby authorised and required, out of any Public Monies in his Hands, to pay unto the Party or Parties entitled thereto, such Sum and Sums of Money as shall be to them ordered, by Warrant from the said Governor or Commander in Chief, to him directed, for the Bounties aforesaid, from Time to Time, in Pursuance of this Act; to be allowed to the said Treasurer upon passing of his Accounts, in the General Assembly.

Præmium to be paid by the Treasurer, & allowed in his Accounts.

VI. *PROVIDED always,* That the Rewards for Tar shall not exceed Twelve Hundred Pounds, and the Rewards for Hemp not to exceed Four Thousand Pounds.

Sums appropriated for the Rewards.

VII. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses, heretofore made, for or concerning any Matter or Thing, within the Purview of this Act, shall be, and are hereby repealed.

Repealing Clause.

CHAP. XLIX.

An Act for Inspecting Pork, Beef, Flour, Tar, Pitch, and Turpentine.

I. WHEREAS an Act of Assembly made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for continuing and amending An Act,* intituled, *An Act for Inspecting, Weighing, and Stamping all Pork, and Beef, packed in this Colony, or imported for Sale, before the same shall be sold here, or shipped for Exportation; and to amend the Act,* intituled, *An Act for the ascertaining the Gauge of Barrels, for Pork, Beef, Tar, and Pitch; and for Inspecting, Weighing, and Stamping all Flour, exported,* will expire at the End of this Session of Assembly: And the same being, by Experience, found useful and beneficial to the Trade and Export of this Colony, and necessary to be further continued:

Preamble.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That no Pork, Beef, or Flour shall be exported out of this Colony; or Tar, Pitch, or Turpentine, exposed to Sale, or exported, until the same shall be packed, or filled in Barrels, under the Regulation herein after expressed: And the Justices of every County Court, within this Dominion, are hereby authorised and required, in the Month of *August* or *September,* annually, to nominate and appoint, in open Court, one or more (not exceeding Six in one County) fit and able Person or Persons, residing in the same County, to inspect the Package, and weigh all Pork, Beef, and Flour; and also to inspect the filling of all Tar, Pitch, or Turpentine, packed or filled for Sale or Exportation, with-

Inspectors, by whom and when to be appointed.

A. D. 1748.

in their respective Counties: And the said Courts may appoint the same Person or Persons, to be Inspectors of Pork, Beef, Flour, Tar, Pitch, and Turpentine, if such Person appears to them duly qualified, or may appoint several Inspectors, as in their Discretion shall seem best: And every Person so appointed, shall, before he enters upon the Execution of that Office, make Oath before the Justices of his County Court, carefully to view, inspect and examine, when required, all Pork, Beef, Flour, Tar, Pitch, and Turpentine, packed, or filled, for Sale or Exportation, and to the best of his Skill and Judgment, not to pass or stamp any Barrel of Pork, or Beef, or any Flour, Pitch, Tar or Turpentine, that is not good, clean, sound, merchantable, and of the Weight or Gauge by this Act directed, and faithfully to discharge the Duty of his Office, without Favour, Affection, Partiality, or other By-Respect; and shall constantly attend, upon Notice, at such Time and Place as the Owner of any of the said Commodities shall appoint, to inspect the same within his County; but shall not inspect or stamp any Tar, Pitch, or Turpentine or any Pork or Beef imported from *Carolina*, until the same shall be brought to some public Landing; and shall provide a Stamp, or Stamps, with the first Letter of his County, the Letter V for *Virginia*, the first Letter of his own Christian Name, and his whole Sur-Name at Length, to be stamped on each Barrel or Cask by him passed; and on every Cask or Barrel of Flour, the Gross, Tare, and Nett Weight thereof, and a Distinction of the Fineness by the Words *First* or *Second*, stamped on the Head; and on every Barrel of Pork the Letter L for large, or the Letter S, for small Pork; and on the Head of every Barrel of Tar, Pitch, and Turpentine, shall distinguish whether the same be Tar, Pitch, or Turpentine: For which he may demand, and take, for every Barrel of Pork or Beef, by him stamped, Six-Pence; for every Barrel of Tar, Pitch, or Turpentine, Two Pence; for every Barrel of Flour, containing Two Hundred and Twenty Pounds Nett, or less, Three Pence; and for every Cask of greater Weight, Six-Pence, and no more; to be paid down by the Owner. And if any Officer so appointed and sworn, shall neglect his Duty, or stamp any of the Commodities aforesaid, contrary to this Act, he shall forfeit and pay Twenty Shillings, for every Barrel of Pork or Beef; Ten Shillings for every Barrel or Cask of Flour; and Five Shillings, for every Barrel of Tar, Pitch, or Turpentine, which shall be found not duly qualified, or of less Weight or Contents than this Act requires; and also Five Shillings for every Neglect of his Duty: Recoverable by the Informer, with Costs, before a Justice of Peace of the County where such Offence shall be committed.

Where to be sworn. Their Duty. And Fees. Penalty for Neglect. And where recoverable.

III. *AND be it further Enacted, by the Authority aforesaid,* That every Barrel of Pork or Beef, packed within this Colony for Sale or Exportation, or imported here, shall contain at least Two Hundred and Twenty Pounds Nett of good, clean, fat, sound, merchantable Meat, well salted between each Layer, well pickled, nailed, and pegged, and no more than two Heads of Pork in one Barrel; and after the same has been inspected, weighed, found merchantable, and passed by the Inspector or Inspectors, residing in the County where the same shall be packed or imported, every such Barrel shall be by him or them, stamped or branded, as aforesaid, and Certificate thereof given to the Owner; and every Barrel of Tar, Pitch, and Turpentine, shall contain Thirty One Gallons and a Half, Wine Measure, at the least; and after the same shall be inspected, gauged, found clean, well, and truly made, merchantable, and passed by the Inspector or Inspectors of the County where the same shall be inspected, shall be by him or them stamped or branded, and Certificate thereof given to the Owner as aforesaid: And that every Person making, or causing to be made, Wheat-Flour intended for Exportation, shall make Oath before a Justice of the Peace, That the Flour by him intended to be exported, or sold for Exportation, is clean and pure, not mixed with Meal of *Indian* Corn, Pease, or any other Grain or Pulse, to the best of his Knowledge: Which Oath every Justice of Peace is hereby impowered, upon Request of the Owner of such Flour, to administer, and shall grant a Certificate of such Oath before him made; and such Certificate being produced to the Inspector, he shall diligently view and examine the Flour therein mention-

Contents of the Barrel for Pork or Beef. And of Tar, Pitch, and Turpentine. Wheat-Flour how to be inspected.

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ed, and if by him found clean, pure, unmixed, and merchantable, shall see the same packed in Casks or Barrels, well secured for Exportation, and shall stamp or brand the same, in the Manner herein before directed.

Pork, Beef, Pitch, Tar, & Turpentine, not to be exposed to Sale in less Barrels, under a Penalty, and how to be recovered.

IV. *AND be it further Enacted, by the Authority aforesaid,* That all Pork and Beef exposed to Sale or Barter within this Colony, in Barrels, whether the same be packed here or imported from *Carolina*, or any other Place, shall contain at least Two Hundred and Twenty Pounds of Nett Meat, allowing only Two and a Half *per Centum* for Shrinkage, or Loss of Weight; and every Barrel of Tar, Pitch, or Turpentine, exposed to Sale or Barter, whether made here or imported from any other Place, shall contain at least Thirty One Gallons and a Half, Wine Measure, and be stamped or branded, as this Act directs. And if any Person shall presume to sell, or expose to Sale or Barter, any Barrel of Pork, Beef, Tar, Pitch or Turpentine, of less Weight or Gauge, he or she shall forfeit and pay to the Informer Twenty Four Shillings current Money, for every such Barrel of Pork or Beef; and Five Shillings for every such Barrel of Tar, Pitch, or Turpentine, sold or exposed to Sale or Barter, in this Dominion: Recoverable with Costs, by the Informer, before any Justice of the County, where such Offence shall be committed, altho' the Penalty shall exceed Twenty Five Shillings current Money. And every Justice of the Peace, upon such Complaint before him made, and due Proof of such Offence, shall and may, by Virtue of this Act, give Judgment for the whole Penalty, and award Execution thereupon: Any Law to the contrary notwithstanding.

Defendant may appeal to the County Court in some Cases, giving Security.

V. *PROVIDED nevertheless,* That from such Judgment for more than Twenty Five Shillings current Money, the Party grieved may appeal to the next Court, to be held for the County wherein such Complaint was made, the Appellant entering into Bond, with sufficient Security, before the Justice by whom the Judgment shall be given, that he will prosecute his Appeal with Effect, and pay the same Judgment, and all Costs awarded by the Court, if the Judgment shall be affirmed: And the Justice of Peace taking such Bond, shall return the same, together with the whole Record of his Proceedings in the Cause, to the same Court to which such Appeal shall be; which Court shall and may receive, hear, and finally determine the same.

Sellers or Exporters to make Oath.

VI. *AND be it further Enacted, by the Authority aforesaid,* That every Seller or Exporter of Pork, Beef, Flour, Tar, Pitch, or Turpentine, packed or filled in this Colony, and stamped or branded, shall make Oath before a Justice of Peace, within Three Days before Delivery of the Goods sold or exported, That the several Barrels by him intended to be sold, or exported, are the same that were inspected and passed, and do contain the full Quantity without Embezzlement to his Knowledge. And that every Master of a Vessel, wherein Pork, Beef, Flour, Tar, Pitch, or Turpentine, shall be exported, shall make Oath, That he will not knowingly, take, or suffer to be taken, on Board his Ship or Vessel, any Pork, Beef, Tar, Pitch, Turpentine, or Flour, contrary to Law: Which Oath the respective Naval Officers of this Colony are hereby required to administer: And if any of the said Commodities, packed or filled in Barrels or Cask, for Exportation and not stamped or branded, as aforesaid, or any Parcels of Pork or Beef unpacked, or any Flour, in Barrels or Cask, not so stamped, except for necessary Provisions only, shall be put on Board any Ship or Vessel, to be exported as Merchandize, every such Cask, Barrel, or Parcel, may be seized, by any sworn Officer, and brought on Shore, and the same, or the Value thereof, shall be forfeited to the Informer: Recoverable before a Justice of Peace: And the Officer seizing the same, may demand and take the like Fees, as for serving an Execution, to be paid by the Party from whom such Seizure shall be; and if such Officer shall be sued for any Thing by him done, in Pursuance of this Act, he may plead the general Issue, and give this Act in Evidence; and upon Nonsuit, or a Verdict for the Defendant, he shall have double Costs; And the Master of such Ship or Vessel, shall forfeit and pay Twenty Shillings for every Barrel or Cask of Pork, Beef,

Masters of Vessels exporting Pork, &c. to be sworn.

Pork, &c. shipped without stamping, liable to be seised and forfeited.

Officer sued may plead the general Issue, and shall recover double Costs.

 or

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Penalty on Maſters, and how recoverable.

or Flour, and Five Shillings for every Barrel of Tar, Pitch, or Turpentine, ſo taken on Board: Recoverable by the Informer, before a Juſtice of the Peace of any County within this Colony, if the Sum of ſuch Forfeiture ſhall not exceed Five Pounds; for which ſuch Juſtice is hereby authoriſed to grant Judgment and Execution thereupon; but where ſuch Forfeiture ſhall amount to more than that Sum, then to be recovered, by Action of Debt or Information, in any Court of Record of this Dominion, having Cognizance of ſuch Sum.

Make & Size of the Barrels aſcertained.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That every Cooper, and the Maſter or Owner of every Servant or Slave, who ſhall ſet up Barrels for Pork, Beef, Tar, Pitch, or Turpentine, ſhall make the ſame with good, ſtrong, well-ſeaſoned Timber, tight and well hooped, with twelve Hoops at leaſt; every Barrel for Pork or Beef, to contain from Twenty-Nine to Thirty-One Gallons each; and every Barrel for Tar, Pitch, or Turpentine, Thirty-One Gallons and a Half at the leaſt, with his Name, or the Name of the Maſter of ſuch Servant or Slave at length, ſtamped or branded upon every Barrel, under the Penalty of Two Shillings and Six Pence for every Barrel ſet up for Sale or Exportation, and not ſo ſtamped or branded, or of leſs Contents than aforeſaid: Recoverable by the Informer before a Juſtice of Peace.

Forfeitures by the firſt Act may be ſtill ſued for, and recovered.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That all Penalties and Forfeitures impoſed by the ſaid firſt recited Act, and all Breaches and Offences againſt the ſame, ſhall and may be ſued for, and proſecuted, and Judgments given in ſuch Suits and Proſecutions, notwithſtanding the ſaid Act ſhall be expired at the Time of the Proſecutions begun, or Judgments given, in the ſame Manner as ſuch Suits might have been commenced and proſecuted, and Judgments given in Caſe the ſaid Act was not expired: Any Law, or Uſage, to the contrary notwithſtanding. And that this Act ſhall continue and be in Force from and after the paſſing thereof for and during the Term of Seven Years; and from thence to the End of the next Seſſion of Aſſembly. And that ſo much of an Act made in the Fourth Year of Queen *Anne*, intituled, *An Act for aſcertaining the Gauge of Barrels for Pork, Beef, Tar, and Pitch,* as relates to any Matter or Thing within the Purview of this Act, ſhall be, and is hereby repealed.

Continuance of this Act.

Repealing Clauſe.

CHAP. L.

An Act for giving a Reward for killing Wolves.

50 lbs. Nett Tobacco allowed for killing a young Wolf, and 100 lbs. for others: To be paid by the County, and repaid by the Public.

I. FOR encouraging all Perſons to kill and deſtroy Wolves, *Be it Enacted, by the Lieutenant Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That every Perſon who ſhall kill or deſtroy any Wolf within this Colony, ſhall have a Reward of Fifty Pounds of Nett Tobacco for every young Wolf not exceeding the Age of Six Months, to be adjudged by the Juſtice before whom the Head ſhall be brought, and for every Wolf above that Age, One Hundred Pounds of Nett Tobacco; to be levied and paid in the County where the ſame ſhall be killed, and re-paid to ſuch County in the next Public Levy; and the ſeveral County Courts of this Colony are hereby impowered and required to levy and pay the ſame, in their annual County Levy, to the Party and Parties entitled thereto, upon Certificates obtained in the Manner by this Act required.

Wolf-killer ſhall produce the Head, & be ſworn or affirmed.

II. AND for preventing Frauds, *Be it further Enacted, by the Authority aforeſaid,* That every Perſon claiming ſuch Reward, ſhall produce the whole Head of every Wolf to a Juſtice of Peace of the County wherein the ſame was killed or deſtroyed, and ſhall then alſo, before the ſame Juſtice, make Oath, or being a Quaker, ſolemnly affirm and declare, to the Effect following, that is to ſay;

I A. B.

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I A. B. *do swear, That this Head by me now produced is the Head of a Wolf, (or that these Heads by me now produced are the Heads of Wolves) first taken and killed within the County of* C. *in* Virginia; *and that I have not, wittingly or willingly spared the Life of any Bitch Wolf in my Power to kill.*

So help me God.

And if such Wolf-killer be a Christian under the Age of Fourteen Years, or a Tributary *Indian*, Mulattoe, or Negroe, then, instead of such Oath or Affirmation, such Justice shall and may admit such other Evidence, Testimony, or Circumstance, as in his Discretion shall seem convincing: And every Justice of Peace before whom such Head or Heads shall be brought, is hereby impowered and required to administer such Oath or Affirmation, or take such other Proof and Testimony, as the Case shall be, and thereupon to grant the Wolf-killer a Certificate, reciting his or her Name, the Number of Heads produced, either of old Wolves, or of such as, in his Judgment, appear not to exceed the Age of Six Months, the Time and Place when and where the same was or were killed, and that Oath or Affirmation, or other sufficient Proof thereof, hath been before him made; which being produced to the Court laying the County Levy, shall entitle the Party and Parties therein named to the Reward aforesaid; but no Claim or Demand for the same shall be received or allowed without such Certificate: And if any Person whatsoever shall take a false Oath or Affirmation before any Justice in Order to obtain such Certificate, he or she being thereof convicted, shall suffer as for wilful and corrupt Perjury in a Court of Record, and moreover shall forfeit and pay One Thousand Pounds of Tobacco for every such Offence; One Moiety to the King, his Heirs and Successors, for the better Support of this Government, and the contingent Charges thereof, and the other Moiety to the Informer: To be recovered with Costs, by Action of Debt, or Information, in any County Court.

Other Evidence to be admitted, if the Killer is under 14 Years of Age, or an *Indian*, Negroe, or Mulattoe. Justice to grant a Certificate.

Penalty for taking a false Oath, or Affirmation.

III. *PROVIDED always*, That every Justice of Peace shall cause the Ears of all Wolves Heads brought before him to be cut off in his Presence, and shall not grant Certificate for any Scalp: And if any Justice shall suspect the Truth of any Oath or Affirmation before him made, he may delay granting Certificate 'til his next County Court, by whom the Causes of his Suspicion shall be heard and adjudged, in Presence of the suspected Person, if he shall think fit to appear and make his Defence; and according to the Judgment of the Court such Justice shall grant or refuse his Certificate.

Proviso.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the Clerks of the several County Courts shall return to every Session of Assembly, a true List of the Names of every Person to whom any Reward for Wolves Heads has been allowed in their County Levy, and the Names of the Justices granting Certificates for the same, to the End such County may be repaid in the next Public Levy.

Clerks to return a List to the Assembly.

V. *AND be it further Enacted*, That all and every other Act and Acts, Clause and Clauses heretofore made, for or concerning any Matter or Thing within the Purview of this Act, shall be, and are hereby repealed.

Former Acts repealed.

CHAP. LI.

An Act for amending the Staple of Tobacco, and preventing Frauds in His Majesty's Customs.

I. WHEREAS the Laws heretofore made, have been found ineffectual to prevent the Exportation of bad and trash Tobacco, and the many Frauds in deceiving his Majesty of his Customs, which of late Years have greatly increased; to the great Decay of the Trade of this Colony:

Preamble.

II. BE

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All Tobacco exported (except such as hath been inspected) shall be brought to some Public Warehouse, & there viewed and inspected.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That for the more effectual preventing the Exportation of trash, bad, unsound, and unmerchantable Tobacco, all Tobacco which, from and after the Passing of this Act, shall be exported out of this Colony, (except only such Tobacco as hath been, or shall be viewed and inspected, according to the Directions of the Laws now in Force,) shall be first brought to some or one of the Public Warehouses herein after mentioned, and shall be there viewed and inspected, in Manner as herein after is expressed.

No Tobacco to be put on Board any Ship or Vessel for Exportation, before it shall be inspected; and shall be taken only from the Warehouses. Masters of Ships, *&c.* to make Oath, not to permit Tobacco to be taken on Board except stamped by some Inspector.

III. *AND be it further Enacted, by the Authority aforesaid,* That no Person shall put on Board, or receive into any Ship, Sloop, Boat, or other Vessel, in Order to be exported therein, any Tobacco not packed in Hogsheads or Casks, upon any Pretence whatsoever, nor in any Hogshead or Cask, to be in that, or any Ship, Sloop, Boat, or other Vessel, exported out of this Colony, before the same shall have been viewed and inspected, according to the Directions of this Act, (except as before excepted:) But that all Tobacco whatsoever, to be received or taken on Board any Ship, Sloop, or other Vessel, and to be therein exported, or to be carried or put on Board any other Ship, Sloop, or other Vessel, for Exportation, as aforesaid, shall be received or taken on Board at the several Warehouses for that Purpose herein after mentioned, or some or one of them, and at no other Place or Places whatsoever. And every Master, Mate, or Boatswain, which shall arrive in this Colony, in Order to lade Tobacco during the Continuance of this Act, shall, before the said Ship or Vessel be permitted to take on Board any Tobacco whatsoever, make Oath before the Naval Officer of the District wherein such Ship or Vessel shall arrive, (which Oath the said Naval Officer is hereby impowered and required to administer,) That they will not permit any Tobacco whatsoever to be taken on Board their respective Ships or Vessels, except the same be packed in Hogsheads or Casks, stamped by some Inspector legally thereunto appointed: Which Oath they shall subscribe in a Book, to be kept by the Naval Officer for that Purpose. And if any Master shall cause any Person who is not really and *bonâ fide* Mate or Boatswain, to come on Shore and take such Oath, he shall, for the said Offence, forfeit and pay Twenty Pounds: And if any Master or Commander of any Ship or Vessel, shall take on Board, or suffer to be taken on Board the Ship or Vessel whereof he is Master, any Tobacco brought from any other Place than some or one of the Public Warehouses herein after mentioned, or any Hogshead or Cask of Tobacco, not stamped by some lawful Inspectors, or shall suffer to be brought on Board any Tobacco, except in Hogsheads or Casks, stamped as aforesaid, every such Master and Commander shall forfeit and pay Twenty Pounds of lawful Money for every Hogshead or Cask of Tobacco, which shall not have been brought from one of the said Public Warehouses, or which shall not be stamped as aforesaid; and moreover every such Hogshead or Cask of Tobaco shall be forfeited.

Master causing a Person, not being Mate or Boatswain, to take such Oath, to forfeit 20 *l.* Or taking on Board any Tobacco, except from a Warehouse, & in stamped Hogsheads or Casks, liable to the same Penalty for every Hogshead or Cask, & Tobacco to be forfeited.

To prevent Frauds in running Tobacco on Board.

IV. AND forasmuch as the permitting Tobacco in Bulk or Parcels to be water-born, on Pretence of being carried to the Warehouses established by this Act, may give great Opportunity to the clandestine running the same on Board the Ships lying at or near the said Warehouses, whereby the Evil of exporting trash Tobacco may be still continued:

All Tobacco found on Board any Vessel in Bulk or Parcels forfeited, & may be seized.

V. *BE it further Enacted, by the Authority aforesaid,* That if any Person, taking upon himself to carry any Tobacco to or from any of the said Warehouses, in his Sloop, Boat, or other Vessel, for Hire, shall presume to take on Board, or permit or suffer to be taken on Board, any Tobacco whatsoever in Bulk or Parcels, such Tobacco shall not only be forfeited, and may be seized by any Person or Persons whatsoever; but the Master or Skipper offending herein, shall forfeit and pay Twenty Shillings for every Hundred Pounds Weight of such Tobacco, and so proportionably for a greater or lesser Quantity: And the Master or Commander

Penalty on the Skip-

Commander of any Ship or Vessel, wherein any Tobacco in Bulk or Parcels shall be found, shall, over and above the Forfeiture thereof, be subject and liable to the same Penalty: To be recovered, if it doth not exceed Five Pounds, before any Two Justices of the Peace of any County, one of them to be of the *Quorum*, near the Place where such Ship, Sloop, Boat, or other Vessel shall lie; and if it exceeds Five Pounds, in any Court of Record by Action of Debt, wherein the Plaintiff shall recover his Costs. And every Servant, Slave, or other Person, employed in navigating any such Sloop, Boat, or other Vessel, who shall connive at, or conceal the taking or receiving on Board any Tobacco in Bulk or Parcel as aforesaid, shall, by Order of such Justices, receive on his bare Back, Thirty Nine Lashes, well laid on: And if such Sloop, Boat, or other Vessel, be under the Care and Management of a Servant who cannot satisfy and pay the said Penalty, then such Servant, and every other Person employed under him, who shall be guilty of conniving at, or concealing the taking on Board Tobacco in Bulk or Parcel as aforesaid, shall, upon Complaint thereof made to any Justice of the Peace, have and receive, by Order of the said Justice, Thirty Nine Lashes, well laid on. And if any Servant shall be again trusted with the Care and Management of any Sloop, Boat, or other Vessel, and shall be convicted a Second Time of taking or receiving on Board the same, any Tobacco in Bulk or Parcel, contrary to the Directions of this Act, the Owner of such Servant shall forfeit and pay the like Sum of Twenty Shillings for every Hundred Pounds Weight of such Tobacco, so taken or received on Board in Bulk or Parcel; and shall also forfeit and pay Five Shillings for every Day such Servant shall thereafter be employed as Skipper or Master of any Sloop, Boat, or other Vessel to him belonging: To be recovered and applied as aforesaid.

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Every Servant on Board concealing the Fraud, to be whipt.

If a Servant be the Skipper, and unable to satisfy the Penalty, he shall be whipt; and if he offend a second Time, his Owner subjected to Penalties.

VI. *PROVIDED always*, That nothing herein before contained, shall be construed to prohibit any Person from carrying, or causing to be carried to the said Warehouses, in any Boat or other Vessel, any Tobacco in Bulk or Parcels, for the Payment of his or her Levies, Debts, or other Duties; nor to prohibit any Person to put or take on Board any Sloop, Boat, or other Vessel, any Hogsheads or Casks of Tobacco, to be water-born to any Warehouse or Warehouses appointed by this Act, so as the same be not carried out of the Naval-Officer's District, wherein the said Tobacco shall be made; nor to prohibit the Owner of any Tobacco to transport his Crops, or any Part thereof, in Hogsheads or Casks, from one Plantation to another, for the better handling or managing thereof; nor any Purchaser of Tobacco, from bringing the same by Water to be re-packed, sorted, stemmed, or prized, before the same be carried to the said Warehouses, so as such last-mentioned Tobacco be packed in Hogsheads or Casks: But no Tobacco, on any Pretence whatsoever, shall be carried or transported by Water to be inspected, out of the District limited and appointed for the several Naval-Officers of this Colony, wherein the same is or shall be made; or being so carried, shall not be inspected or passed by any Inspectors, knowing the same to be made out of such District, upon Pain of forfeiting, by the Owner of such Tobacco, and the Inspectors who shall pass the same, Twenty Shillings for every Hogshead; to the Informer.

But Tobacco may be waterborn to the Warehouses, and from one Plantation to another, or to be re-packed, sorted, stemmed & prized;

But shall not be carried, inspected, or passed, out of the District, vnder a Penalty of 20*s.* on the Owner & Inspectors, for every Hogshead.

VII. *PROVIDED nevertheless*, That it shall and may be lawful for the Inhabitants of *Fleet*'s-Bay, on the *South* Side of *Indian* Creek, in the County of *Lancaster*, to carry their Tobacco by Water to the Public Warehouses at *Indian* Creek; and the Inhabitants of *Warrisqueak*-Bay, and the Parts adjacent, to carry their Tobacco to be passed at any Warehouse in the upper District of *James* River.

Inhabitants of *Fleet*'s-Bay, & *Warrisqueak*-Bay, where their Tobacco may be inspected.

VIII. *AND be it further Enacted*, That every Master of a Ship or Vessel wherein Tobacco shall be laden, shall, at the Time of Clearing, deliver to the Naval-Officer, Two fair Manifests of all the Tobacco on Board his Ship or Vessel, expressing the Marks and Numbers of every Hogshead, and the Tare and Nett Weight stamped thereon, the Person by whom shipped, and from what

Masters of Ships shall deliver two Manifests of all the Tobacco on Board to the Naval-Officer, on Oath.

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what Warehouse, and shall make Oath thereto, and that the same is a just and true Account of the Marks, Numbers, Tare, and Nett Weight of each respective Hogshead, as the same was taken down by the Person or Persons appointed by him to take the same, before the said Tobacco was stowed away; and no Ship or Vessel shall be cleared by the Naval-Officer, before he shall have received such Lists and Manifests: One of which said Manifests shall, by the said Naval-Officer, be annexed to such Master's Certificate or Clearance, to the End the same may be delivered to the Chief Officer of the Customs in such Port or Place where the said Ship shall unlade; and the other of the said Manifests shall, by the said Naval-Officer, be transmitted to the said Chief Officer of the Customs by the next convenient Opportunity.

One of which to be annexed to his Clearance, and the other transmitted to the Chief Officer of the Customs.

If any Person, trusted to carry Tobacco to a Public Warehouse, shall land it at any other Place, or put it on Board any Ship, before it hath been delivered at some Warehouse, or shall open or take out any Tobacco before or after View, Felony.

IX. *AND be it further Enacted*, That if the Skipper of any Sloop, Boat, or other Vessel, or other Person or Persons to whom the Care and Management thereof shall be intrusted, shall land or put on Shore any Hogshead, Cask, or Package of Tobacco, put on Board the same to be carried to any Public Warehouse, at any other Place or Places than the Warehouse or Warehouses by this Act appointed for the Reception and Inspection of Tobacco, or at some or one of them, or the Wharfs or other Landing to such Warehouse or Warehouses belonging, or shall put the same on Board any other Vessel, or suffer the same to be done, so as the same be not delivered at some of the said Public Warehouses without Fraud or Imbezzlement, or shall open any Hogshead or Cask of Tobacco, so as aforesaid water-born and landed, and take thereout any Tobacco before the same be viewed by the Inspectors, according to the Directions of this Act, or after the same has been viewed, shall fraudulently open any Hogshead or Cask, and take thereout any Tobacco, every such Offence shall be adjudged Felony; and the Offender or Offenders shall suffer as in Case of Felony.

Unless forced by Distress of Weather on Ground, or the Vessel become leaky, in which Case it may be landed.

X. *PROVIDED always*, That nothing herein before contained, shall be construed to prohibit the Landing or putting on Shore any Hogshead, Cask, or Package of Tobacco, out of any Sloop, Boat, or other Vessel, which, by Distress of Weather, shall be forced on Ground, or become leaky, so as such Landing be really and *bonâ fide* for the Preservation of the Tobacco laden in such Vessel; and that the same be, with all convenient Speed, carried thereafter to the Warehouse or Ship, (as the Case shall be,) to which it was designed, without Imbezzlement.

If damaged in its Carriage to the Ship, so that the Master will not receive it on Board, it shall be carried to a Warehouse, to be re-packed, weighed, and stamped, without Fee: But if the Owner or Master fails to separate and re-pack the Tocacco in 10 Days, the Inspectors shall do it, & receive a Reward.

XI. *PROVIDED also*, That if, by any of the Accidents aforesaid, or Negligence of the Master or Skipper of any Vessel, any Tobacco which hath been viewed and stamped, shall in its Carriage to the Ship in which it is intended to be exported, receive so much Damage as that the Master of such Ship will not receive it on Board; every Hogshead or Cask of Tobacco so damnified shall, with all convenient Speed, be carried to some Warehouse appointed by this Act, and there lodged until the Owner of the said Tobacco, or Master of the Vessel in which is was damaged, shall have separated the same, and re-packed the good Tobacco; and then the same shall be weighed, and stamped with the Weight, by the Inspectors attending such Warehouse, without Fee or Reward: But if the Owner of such Tobacco, or the Master of the Vessel in which it was damaged, shall fail or delay to separate and re-pack the same within Ten Days, then the Inspectors at the Warehouse where such damaged Tobacco shall be landed, shall, and they are hereby required and enjoined, to separate, re-pack, weigh, and stamp the same; and such Inspectors shall have and receive, of the Owner of such Tobacco, Five Shillings for each Hogshead or Cask of Tobacco; to be paid by such Owner before the said Tobacco shall be delivered out for Exportation.

All Tobacco shall be viewed by two Inspectors.

XII. *AND be it Enacted, by the Authority aforesaid*, That all Tobacco which shall be brought to any of the Public Warehouses herein after mentioned,

shall

ſhall be viewed, examined, and inſpected by Two Perſons, to be thereunto appointed, who ſhall be called Inſpectors; which ſaid Inſpectors ſhall be appointed in the Manner following: That is to ſay; The Courts of the ſeveral Counties within this Colony wherein any of the Public Warehouſes appointed by this Act are eſtabliſhed, ſhall and may, and they are hereby required, once in every Year, and no oftner, at their reſpective County Courts held in the Months of *Auguſt*, or *September*, or one of them, to nominate and recommend to the Governor or Commander in Chief for the Time being, for ſo many Officers of Inſpection as are or ſhall be in their reſpective Counties, Four fit and able Perſons, reputed to be ſkilful in Tobacco, for the Execution of the Office of Inſpectors: And where Two Warehouſes under one and the ſame Inſpection, happen to lie in different Counties, in that Caſe the Courts of each County ſhall nominate and recommend Two for ſuch Inſpection; which Nomination the ſaid Courts ſhall cauſe to be entered upon Record, and the Clerks of the ſaid Courts ſhall, and they are hereby required, forthwith to tranſmit a Certificate of the ſame to the Secretary's Office: And out of the ſaid Four Perſons ſo nominated and recommended for each Inſpection, the Governor and Commander in Chief, with Advice and Conſent of the Council, ſhall and may chooſe and appoint Two, to execute the Office of Inſpectors at ſuch Inſpection: And in Default of ſuch Nomination and Recommendation by the County Courts, as aforeſaid, the Governor and Commander in Chief, with the like Advice and Conſent, ſhall and may appoint ſuch Perſons as he ſhall think fit, to be Inſpectors at ſuch Inſpection for which no Nomination or Recommendation ſhall be made, as aforeſaid: And alſo, in Caſe of the Death, Reſignation, or Removal of any Inſpector, the Governor or Commander in Chief ſhall and may appoint any Perſon, named in the laſt Recommendation from the County Court, for that Inſpection where the Vacancy ſhall happen, to ſucceed him, until the next Nomination and Appointment of Inſpectors: But if either of the Perſons named in ſuch laſt Recommendation will not accept the ſaid Office, in that Caſe the Governor or Commander in Chief may appoint any other Perſon he ſhall think fit.

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The Manner of appointing them.

XIII. *PROVIDED neverthelefs*, That the Inſpectors who are now in Office, ſhall continue to act without taking new Commiſſions, 'til the Tenth Day of *November* next. And for preventing the Evil of buying and ſelling the ſaid Office of Inſpector, which hath heretofore been frequently practiſed,

Preſent Inſpectors to continue 'til 10th *November* next.

XIV. *BE it further Enacted*, That if any Inſpector ſhall hereafter, accept, receive, or take, directly or indirectly, any Fee, Gratuity, Service, or Reward whatſoever, of any Perſon, for reſigning or giving up his Office of Inſpector, he ſhall not only be for ever diſabled from holding the like Office, but, for ſuch Offence ſhall forfeit and pay the Sum of One Hundred Pounds: To be recovered, with Coſts, by Action of Debt, in any Court of Record within this Dominion. And every Perſon, offering and paying, directly or indirectly, any Fee, Service, Gratuity, or Reward whatſoever, to any Inſpector to reſign his ſaid Office, ſhall, for the ſaid Offence, be for ever diſabled from holding the Office of Inſpector within this Colony.

Penalties on Inſpectors buying and ſelling their Office.

XV. *PROVIDED always*, That no Juſtice of the Peace, being an Inſpector, or recommended to be an Inſpector, ſhall have, or be allowed to vote, in the Nomination and Recommendation of Perſons to be Inſpectors, as aforeſaid: And that where any Perſon, once recommended as aforeſaid, and executing the Office of Inſpector, in Purſuance of ſuch Recommendation, ſhall be again recommended the next ſucceeding Year, the ſame ſhall be a ſufficient Appointment to him to continue in the ſaid Office for another Year, without any new Commiſſion; and ſo from Year to Year, ſo long as he ſhall be ſo recommended as aforeſaid.

No Juſtice, being an Inſpector, ſhall vote in their Recommendation.

Same Inſpector recommended again, may act without a new Commiſſion.

XVI. *PROVIDED always*, That every Perſon appointed, or to be appointed an Inſpector, by Virtue of this Act, ſhall, before he enters upon the Execution

Inſpectors to give Bond.

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Execution of the ſaid Office, enter into Bond, with good Security, in the Penalty of Five Hundred Pounds, payable to his Majeſty, his Heirs and Succeſſors, with Condition for the true and faithful Performance of his Duty, according to the Directions of this Act; and ſhall alſo take the following Oath, that is to ſay;

Their Oath.

YOU ſhall ſwear, that you will diligently and carefully view and examine all Tobacco brought to any Public Warehouſe or Warehouſes where you are appointed to be Inſpector, and all other Tobacco which you ſhall be called upon to view and inſpect, and that not ſeparately and apart from your Fellow, but in his Preſence; and that you will not receive any Tobacco that is not, in your Judgment, ſound, well-conditioned, merchantable, and clear of Traſh; nor receive, paſs, or ſtamp any Tobacco Hogſhead or Caſk of Tobacco, prohibited by one Act of Aſſembly, intituled, An Act for amending the Staple of Tobacco, and preventing Frauds in his Majeſty's Cuſtoms; *and that you will not change, alter, or give out any Tobacco, other than ſuch Hogſheads or Caſks for which the Receipt to be taken in was given: But that you will, in all Things, well and faithfully diſcharge your Duty in the Office of an Inſpector, according to the beſt of your Skill and Judgment, and according to the Directions of the ſaid Act; without Fear, Favour, Affection, Malice, or Partiality.*

So help you God.

Where to be taken. If ſworn before the Governor, or General Court to produce Certificate, and lodge it with the County Court Clerk. Penalty for acting before Bond given, or Oath taken.

Which Oath ſhall and may be taken before the Governor or Commander in Chief of this Colony for the Time being, or before the General Court, or in the Court of the County wherein ſuch Inſpector ſhall reſide: But before any Inſpector ſhall enter upon the Execution of his Office, he ſhall produce a Certificate, if ſworn before the Governor or General Court, as the Caſe may be, of his taking ſuch Oath; which Certificate ſhall be lodged with the Clerk of the County where ſuch Inſpector ſhall be. And if any Perſon ſhall preſume to execute the Office of Inſpector, before he has given ſuch Bond, and taken ſuch Oath, as aforeſaid, he ſhall forfeit and pay Five Hundred Pounds.

How long they are to attend at the Warehouſes.

XVII. *AND be it further Enacted*, That all Inſpectors, to be appointed by Virtue of this Act, ſhall conſtantly attend their Duty at the Warehouſe or Warehouſes under their Charge, from the Tenth Day of *November*, to the laſt Day of *Auguſt*, Yearly, (except *Sundays*, and the Holidays obſerved at *Chriſtmas*, *Eaſter*, and *Whitſuntide*, or when hindred by Sickneſs;) and afterwards, they, or one of them, ſhall conſtantly attend at the ſame, (except *Sundays*) to deliver out Tobacco for Exportation, 'til all the Tobacco remaining there the ſaid laſt Day of *Auguſt*, ſhall be ſo delivered: And every Inſpector neglecting to attend as aforeſaid, ſhall forfeit and pay to the Party grieved, Five Shillings for every Neglect; or ſhall be liable to the Action upon the Caſe of the ſaid Party grieved, to recover all ſuch Damages which he or ſhe ſhall have ſuſtained by Occaſion of any ſuch Neglect, together with his or her full Coſts, at the Election of ſuch Party. And all Inſpectors ſhall uncaſe and break every Hogſhead and Caſk of Tobacco, brought to them to be inſpected, as aforeſaid; and if they ſhall agree that the ſame is good, ſound, well-conditioned, merchantable, and clear of Traſh, then ſuch Tobacco ſhall be weighed in Scales, with Weights of the lawful Standard, and the Hogſhead or Caſk ſhall be ſtamped and marked, with a hot Iron, in the Preſence of the ſaid Inſpectors, or one of them, with the Name of the Warehouſe at which the Tobacco therein contained ſhall be viewed and inſpected, as aforeſaid; and alſo, the Tare of the Hogſhead or Caſk, and Quantity of Nett Tobacco therein contained: But if the ſaid Two Inſpectors ſhall at any Time diſagree, concerning the Quality of any Tobacco, brought for their Inſpection to any Warehouſe under their Charge, they ſhall, without Delay, as ſoon as conveniently may be, call from the next adjacent Warehouſe or Inſpection, another Inſpector, who ſhall determine the Difference, and paſs, or reject, ſuch Tobacco. And where any Inſpector ſhall happen to be ſick, and unable to attend his Duty, in that Caſe it ſhall be lawful for any other Inſpector at any adjacent

Penalty for Neglect.

Their Duty.

Another Inſpector to be called, in caſe they diſagree.

Or where one is ſick.

adjacent Warehouſe, to view, inſpect, and paſs Tobacco, in his Room. And when any Inſpector ſhall bring his own Tobacco to the Warehouſe whereof he is Inſpector, the ſame ſhall not be paſſed or ſtamped, unleſs it be firſt viewed, examined, and found good, and qualified as aforeſaid, by the other Inſpector there attending, and by one or both of the Inſpectors, as the Caſe ſhall require, from the next adjacent Warehouſe.

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Or where they bring their own Tobacco to the Warehouſe.

XVIII. *AND be it further Enacted*, That if any Tobacco ſhall be brought to any of the ſaid Warehouſes, for the Diſcharge of any Public or private Debt or Contract, the ſaid Inſpectors, or one of them, after they have viewed, examined, and weighed the ſaid Tobacco, according to the Directions of this Act, ſhall be obliged to deliver, to the Perſon bringing the ſame, as many Promiſſory Notes, under the Hands of the ſaid Inſpectors, as ſhall be required, for the full Quantity of Tobacco received by them, in which ſhall be expreſſed, whether the Tobacco ſo received be Sweet-ſcented, or *Oronoko*, ſtemmed or leaf; which Notes ſhall bear Date the Day the Tobacco for which the ſame is given ſhall be viewed and paſſed; and ſhall, and are hereby declared, to be current in all Tobacco Payments, according to the Species expreſſed in the Note, within the County wherein ſuch Inſpectors ſhall officiate, and in any other County next adjacent thereto, and not ſeparate therefrom by any of the great Rivers or Bay herein after mentioned; that is to ſay, *James* River, below the Mouth of *Appamattox*; *York*, below *Weſt-Point*; *Rappahanock* River, below *Taliaferro*'s *Mount*; or by the great Bay of *Cheſapeak*; and ſhall be transferable from one to another in all ſuch Payments, (except as herein is excepted;) and ſhall be paid and ſatisfied by the Inſpector or Inſpectors who ſigned the ſame, upon Demand: and for every Hogſhead of Tobacco brought to any Public Warehouſe, for the Diſcharge of any public or private Debt, in good Caſk, of ſuch Dimenſions as herein after expreſſed, there ſhall be allowed by the Inſpector thereof to the Perſon bringing the ſame, after the Rate of Four Pounds of Tobacco, for every Hundred Pounds the Tobacco therein contained ſhall weigh, after the ſame ſhall be viewed and paſſed, ſo as ſuch Allowance does not exceed Thirty Pounds of Tobacco for each Hogſhead: And the ſaid Inſpectors ſhall, and they are hereby obliged, to make every Hogſhead by them paid away in Diſcharge of any Note by them given as aforeſaid, to contain Nine Hundred and Fifty Pounds of Nett Tobacco, at the leaſt; and for every ſuch Hogſhead of Tobacco by them paid away, well lined and nailed, fit for Shipping, there ſhall be paid, by the Perſon receiving ſuch Hogſhead, Five Shillings for inſpecting, and Six Pence for Nails; which ſaid Sum of Six Pence the ſaid Inſpectors ſhall and may retain in their Hands for their own Uſe, to re-imburſe them the Expence of providing Nails: And the Perſon demanding or receiving Tobacco in Diſcharge of Notes, as aforeſaid, ſhall allow to the Inſpectors Thirty Pounds of Tobacco for each Hogſhead ſo received, for the Caſk, and two Pounds of Tobacco for every Hundred Pounds of Tobacco contained in ſuch Notes, and ſo proportionably for a greater or leſſer Quantity, for Shrinkage and Waſting, if the ſaid Tobacco be paid within Two Months after the Date of the Note given for the ſame: and One Pound of Tobacco for every Hundred, for every Month the ſame ſhall be unpaid after the ſaid Allowance; ſo as ſuch Allowance for Shrinkage and Waſting do not exceed, in the whole, Six Pounds of Tobacco for every Hundred: And if any Inſpector or Inſpectors, by whom any ſuch Notes for Tobacco, as aforeſaid, ſhall be ſigned, ſhall refuſe or delay to pay and ſatiſfy the ſame when demanded every Inſpector ſo refuſing or delaying, ſhall forfeit and pay, to the Party injured, double the Value of the Tobacco ſo refuſed or delayed to be paid: To be recovered with Coſts, in any Court of Record within this Dominion, if the Note or Notes, ſo refuſed or delayed to be paid, exceed Two Hundred Pounds of Tobacco; and if the ſaid Note or Notes do not exceed Two Hundred Pounds of Tobacco, the double Value aforeſaid ſhall and may be recovered before any Juſtice of the Peace of the County wherein the Warehouſe ſhall be, at which the Note or Notes ought to be paid.

They ſhall give Notes for all Tobacco received.

Such Notes ſhall be current in all Tobacco Payments, in the ſame and adjacent Counties.

Allowance of four *per Cent.* to be made for the Hogſhead, ſo as not to exceed 30 *lbs.* Tobacco for each Hogſhd.

Every transfer Hogſhead to contain 950 *lbs* nett Tobacco, at leaſt.

5 *s.* for inſpecting, and 6 *d.* for Nails, to be paid for ſuch Hogſhd.

With an Allowance for Caſk, and Shrinkage.

Inſpectors refuſing or delaying to pay their Notes, ſhall forfeit double the Value, to the Party grieved. How to be recovered.

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All Crop Hogshds. passed by the Inspectors, shall be stamped, & the Inspectors shall give Receipts, and take 3 s. per Hogshead for the same.

XIX. *AND be it further Enacted, by the Authority aforesaid*, That all Tobacco brought to any of the said Warehouses in Hogsheads or Casks to be exported, on Account and for the Use of the Owner thereof, after the same shall have been viewed, examined, and weighed, and found to be good, shall be stamped as herein before directed: and the said Inspectors, or one of them, shall deliver to the Person bringing the same, as many Receipts, signed as aforesaid, as shall be required for the Number of Hogsheads so brought and stamped, in which shall be expressed, whether the Tobacco so received be Sweet-scented, or *Oronoko*, stemmed, or leaf; and for every Hogshead and Cask brought to any of the said Warehouses to be exported, on Account and for the Use of the Owners thereof, there shall be paid to the Inspectors there attending, Three Shillings, for viewing, examining, and stamping the same; and the Owners of the said Tobacco shall find and provide Nails for the Nailing thereof: And if any Inspector or Inspectors shall alter, change, or deliver out any Hogshead or Cask of Tobacco, other than the Hogshead or Cask for which the Receipt, to be taken in, was by him or them given, such Inspector or Inspectors shall not only forfeit and pay the double Value of such Hogshead or Cask so altered, changed, or delivered out; but he or they shall moreover forfeit his or their Bonds respectively, given for the due Execution of his or their Office. And all Inspectors shall, and they are hereby obliged, if required, to take in any Receipt or Receipts by them given for Tobacco, and after having weighed such Tobacco, to give Transfer Notes for the same, with an Allowance of Four *per Cent.* for the Cask, so as such Allowance does not exceed Thirty Pounds of Tobacco for every Cask.

Owners to provide Nails. Inspectors changing Crop Tobacco, shall forfeit double the Value, & their Bonds.

They shall, upon Request, give Transfer Notes for Crop Hogshds. with an Allowance for the Cask.

No Tender of a Tobacco Debt lawful, unless in Inspectors Notes or Receipts.

XX. *AND be it further Enacted*, That during the Continuance of this Act, no Tender of any Debt or Duty, payable in Tobacco, shall be accounted lawful, unless Payment of the same be tendered in Inspectors Notes, or Receipts.

No stemm'd Tobacco not laid strait, nor Casks exceeding forty eight Inches in the Length of the Stave, or 30 Inches at the Head, shall pass.

XXI. AND for restraining the undue Practice of mixing trash with stemmed Tobacco, and preventing the Packing Tobacco in unsizable Casks; *Be it Enacted and Declared*, That all stemmed Tobacco not laid strait, whether the same be packed loose, or in Bundles, shall be accounted unlawful Tobacco; and that no Tobacco, packed in Hogsheads which exceed Eight and Forty Inches in the Length of the Stave, or Thirty Inches at the Head, within the Crow, making reasonable Allowance for prizing, (which Allowance shall not exceed Two Inches above the Gauge in the prizing Head,) shall be passed or received: But the Owner of such Tobacco packed in Casks of greater Dimensions than before expressed, shall be obliged to repack the same in sizable Cask, at his own Costs and Charge, before the same shall be received and stamped by the said Inspectors.

Tobacco refused by the Inspectors shall be burnt by them, or picked at the Warehouse.

XXII. *AND be it further Enacted*, That when any Tobacco shall be brought to any of the Public Warehouses, and refused by the Inspectors there officiating, the same shall be immediately burnt by them, unless the Owner or Person bringing such Tobacco desires to sort and separate the same, and to pick out such as is bad; in which Case the Inspectors shall permit the same to be done, at the Warehouse to which the said Tobacco shall be brought, without Fee or Reward; but shall not, on any Pretence, suffer the said Tobacco to be removed or carried from the said Warehouse: And the said Inspectors shall allow One Month for separating and picking such Tobacco; after which Time, if the same be not done, it shall be lawful for them to burn the Whole, except where the Tobacco is in a Sweat, or where the Circumstances or Accidents of Weather may have prevented the Handling of it; in which Case the Inspectors shall allow such further Time as they shall think reasonable: And where any Tobacco shall be separated and picked, as aforesaid, the Trash and bad Tobacco shall be burnt by the Inspectors on the same Day it is picked out, under the Penalty of forfeiting Five Shillings for every Failure, to the Informer. And if any Tobacco, packed in Cask by an Overseer, or the Hands under his Care, shall be burnt by the said Inspectors,

One Month allowed for picking.

Overseers liable for all Damage, if they suffer

Inspectors, by Reason of its being bad, unsound, or not in good Condition, the Overseer who had the Care of making and packing the same, shall bear the Loss of the Tobacco so burnt, and make Satisfaction for the same, out of his Share of the Crop, or otherwise: And the Inspectors shall be obliged to keep an Account of all Tobacco so burnt.

A. D. 1748. suffer bad Tobacco to be packed.

XXIII. AND to the Intent that a just Quantity of Tobacco exported may be more exactly known, and all evil Practises to defraud his Majesty of his Customs prevented; *Be it Enacted, by the Authority aforesaid,* That all Inspectors shall carefully enter in a Book, to be provided and kept for that Purpose, the Marks, Numbers, Gross, Nett Weight, and Tare of all Tobacco viewed and stamped by them, as aforesaid, and in what Ship or Vessel the same shall be laden or put on Board; and shall also, with every Sloop Load or Boat Load of Tobacco, send a List of the Marks, Numbers, Gross, Nett Weight, and Tare of every Hogshead of Tobacco then delivered, to be given to the Master of the Ship or Vessel in which the same shall be put on Board; and if the Tobacco delivered to the same Sloop or Boat, is intended to be put on Board several Ships or Vessels, then they shall deliver so many distinct and several Lists, as aforesaid, of the Hogsheads to be put on Board such Ship or Vessel respectively: Which Lists, every Master of a Ship or Vessel is required to produce to, and lodge with, the Naval Officer of the District where the Ship or Vessel, whereof he is Master, shall ride, or by whom he shall be cleared, sometime before her Clearance. But whereas it may happen, that the Ship, in which such Tobacco was intended to be put, may be so full as not to be able to stow all the Tobacco contained in such List; in such Case it shall and may be lawful to ship the said Tobacco, or any Part thereof, on Board any other Ship or Ships where the Owner thereof shall think fit, the Masters of such Ships indorsing on the said Lists, the Marks and Numbers of the respective Hogsheads by them taken on Board, and giving Notice to the Inspectors of the Warehouse from whence the same was brought; or if there be no Ship to receive the said Tobacco, then it shall and may be lawful for the Master of the first mentioned Ship or Vessel, to put the said Tobacco into any Warehouse in the District where such Ship shall ride, giving immediate Notice thereof to the Inspectors who stamped the same; and the Inspectors of that Warehouse where such Tobacco shall be delivered, shall give a Receipt for the same, and shall cause the said Tobacco to be safely lodged, and delivered to the Order of the Owner thereof, whenever he or she shall think fit to ship it off, and that without Fee or Reward.

For preventing Frauds in the Customs.

Weights of all Tobacco shall be entered in Books, particular Accounts thereof to be sent on Board Ships with the Tobacco:

Which the Master shall produce to the Naval Officer. If the Ship be full, the Tob. may be put on Board other Ships, the Master endorsing the Quantity by them receiv'd, and giving the Inspectors Notice. Or it may be lodged in another Warehouse, and the Inspectors there shall give a Receipt.

XXIV. *AND be it further Enacted,* That if any Person whatsoever shall forge or counterfeit the Stamp, Note, or Receipt, of any Inspector; or tender in Payment any such forged or counterfeited Note or Receipt, knowing it to be such; or export, or cause to be exported, any Hogshead or Cask of Tobacco, stamped with a forged or counterfeited Stamp; or demand Tobacco of any Inspector upon any such forged or counterfeited Note or Receipt, knowing such Note or Receipt, or such Stamp, to be forged and counterfeited; or shall put or pack into any Hogshead or Cask of Tobacco, stamped by any Inspector, any Tobacco whatsoever; or shall draw or take out any Stave, Plank, or Heading-Board, so stamped as aforesaid, of any Hogshead or Cask of Tobacco, after such Hogshead or Cask of Tobacco shall be delivered out from any of the Public Warehouses aforesaid; every Person so offending, and being thereof convicted by due Course of Law, shall be adjudged a Felon, and shall suffer as in Case of Felony.

Penalty upon forging or counterfeiting any Stamp, Note, or Receipt, *&c.*

XXV. *AND be it further Enacted, by the Authority aforesaid,* That if any Inspectors Notes or Receipts be casually lost, mislaid, or destroyed, the Person or Persons entitled to receive the Tobacco by Virtue of any such Note or Receipt, shall make Oath, before a Justice of the Peace of the County where the same is payable, to the Number or Date of every such Note or Receipt, to whom, and where payable, and for what Quantity of Tobacco the same was given, and that such Note or Receipt is lost, mislaid, or destroyed, and that he, she, or they,

Method to be taken where Notes or Receipts are lost, mislaid, or destroyed.

at

A. D. 1748.

at the Time such Note or Receipt was lost, or mislaid, or destroyed, was lawfully entitled to receive the Tobacco therein mentioned, and shall take a Certificate thereof from such Justice; and upon producing a Certificate of such Oath to the Inspectors who signed such Note or Receipt, and lodging the same with them, the said Inspectors shall, and are hereby directed, to pay and deliver to the Person obtaining such Certificate, the Tobacco for which any such Notes or Receipts were given, (if the same, or any Part thereof, shall not have been before by them paid by Virtue of the said Notes or Receipts,) and shall be thereby discharged from all Actions, Suits, and Demands, on Account of such Notes or Receipts: And if any Person shall be convicted of making a false Oath, or producing a forged Certificate, in the Case aforesaid, he shall forfeit and pay Twenty Shillings for every Hundred Pounds Weight of Tobacco contained in such Certificate; and moreover, upon Conviction in any Court of Record, shall suffer as in Case of wilful and corrupt Perjury.

Penalty for making a false Oath, or producing a forged Certificate.

How Levies, Quit-Rents, & Officers Fees shall be paid.

XXVI. *AND be it further Enacted, by the Authority aforesaid*, That all Tobacco due, or to grow due and payable, for Public, County or Parish Levies, or for Quit-Rents, or for Secretary's, Clerks, Sheriffs, Surveyors, or other Officers Fees, shall be paid and discharged by Transfer Notes, in the following Manner: That is to say; All Levies and Quit-Rents shall be paid in some Warehouse in the County where such Levies are laid, and Lands, chargeable with such Quit-Rents, lie; and all Officers Fees in the County where the Person chargeable therewith lives, except such Person shall have a Plantation, with Slaves thereon, in the County where the Service is performed; and then all Fees, (except Secretary's Fees,) shall be paid in such County: But the said Levies, Quit-Rents, and Fees, due and payable in any County where no Public Warehouse is established, shall be paid at some Warehouse in the next adjacent County.

What Notes shall pass in such Payments

XXVII. *PROVIDED always*, That no Transfer Notes of the preceeding Year shall pass in any such Payment, nor no Notes of the County of *Prince-William* shall pass in any Payment of Levies, Quit-Rents, or Fees, becoming due in the County of *Orange*; and the Notes of the Warehouses herein after mentioned shall pass in Payment of all Quit-Rents, Levies, and Officers Fees, payable in the Counties following: That is to say; The Notes of *Kemp*'s Warehouse shall pass in the County of *Gloucester*; of *Turner*'s and *Bowler*'s, in the County of *Middlesex*; of *Lawrence*'s, *Gray*'s-Creek, and *Cabbin*-Point, in the County of *Isle of Wight*; of *Lawrence*'s, and all the Warehouses above, on the *South* Side of *James* River, in the County of *Brunswick*; and all the Warehouses above *Jordan*'s-Point, on the *South* Side of *James* River, in the Counties of *Amelia* and *Lunenburg*; of *Wainwright*'s, *Appamattox*, *Maycock*'s, *Jordan*'s, and *Warrisqueak*-Bay, in the County of *Surry*; of *Warwick*, *Bermuda-Hundred*, *John Bolling*'s, *and Cabbin*-Point, in the County of *Prince-George*; of *Turkey*-Island and *Hog*-Neck, in the County of *Charles-City*; of *Littlepage*'s, or the *Brick-House* Warehouses, in the County of *James-City*; of *York*, *Roe*'s and *Hampton*, in the County of *Warwick*; of *Roe*'s, in the County of *Elizabeth-City*; of *Page*'s and *Meriwether*'s, in the County of *King-William*; of *Todd*'s, *Aylet*'s, and *Layton*'s, in the County of *Caroline*; of *Conway*'s, in the County of *Spotsylvania*; of *Fredericksburg*, in the County of *Louisa*, of *Shoccoe*'s, *Warwick*, *Crutchfield*'s, *Rocky-Ridge*, *Page*'s, and *Meriwether*'s, in the County of *Albemarle*; of *Indian*-Creek, in the County of *Lancaster*; of *Yeocomico*, in the County of *Northumberland*; of *Mattox*, *Machotack*, and *Falmouth*, in the County of *Stafford*; of *Princess-Anne* and *Norfolk*, in either County; of any Warehouse in *Accomack* or *Northampton*, in either County; of *Acquia*, in the County of *Prince-William*.

What Allowances shall be made out of such Public Dues

XXVIII. *AND be it further Enacted*, That out of every Hundred Pounds of Tobacco, paid in Discharge of Quit-Rents, Secretary's, Clerks, Sheriffs, Surveyors, or other Officers Fees, and so proportionably for a greater or lesser Quantity,

Quantity, there ſhall be made the following Abatements or Allowances to the Payer: That is to ſay; A. D. 1748. Dues and Fees to the Payer.

FOR Tobacco due in the Counties of *Goochland*, *Brunſwick*, *Lunenburg*, *Orange*, *Amelia*, *Albemarle*, and the County of *Louiſa*, the Perſon paying ſhall and may retain in his own Hands, Thirty Pounds of Tobacco for every Hundred ſo due from him.

FOR Tobacco due in the County of *Princeſs-Anne*, Twenty Pounds of Tobacco.

FOR Tobacco due in the Counties of *Henrico*, *Caroline*, *Nanſemond*, *Norfolk*, *Hanover*, and *Spotſylvania*, Fourteen Pounds of Tobacco.

FOR Tobacco due in the Counties of *Prince-George*, *Surry*, *Iſle of Wight*, *Fairfax*, and *Prince-William*, Twenty Pounds of Tobacco.

FOR Tobacco due in any other County, Ten Pounds of Tobacco.

XXIX. *PROVIDED always*, That where any Perſon chargeable with Officers Fees, (except the Secretary's Fees) lives in another County than where the Service is performed, or the Fees become due, the ſame Allowance ſhall be made to every ſuch Perſon as is by Law ſettled to be allowed in that County where the Service is performed, or the Fees become due. Proviſo.

XXX. AND for preventing all Miſtakes and Controverſies concerning the Allowances to be made, upon the Payment of Public, County, or Pariſh Levies; *Be it Enacted*, That the Levies aforeſaid ſhall be all laid in Nett Tobacco, and the Abatement which ought to be made out of every Creditor's Claim, for Convenience, ſhall be deducted out of ſuch Claim at the Time of laying the ſaid Levies; which Abatements are hereby ſettled and declared to be the ſame as are before mentioned and directed to be allowed, upon Payment of Quit-Rents and Officer's Fees: But where any Creditor by Law or Contract ought to be paid with Convenience, in that Caſe, no Abatement ſhall be made to the People by the Collectors thereof: And where any Tobacco ought to be paid with Caſk, there ſhall be levied Four *per Cent.* for Caſk, and no more: And there ſhall be alſo levied in all the ſaid Levies, Six *per Cent*, for Collecting the ſame, and no more; which ſhall be paid and allowed to the reſpective Collectors of the ſaid Levies. And for all Tobacco paid and diſcharged in Inſpectors Notes, for Quit-Rents, Secretary's, Clerks, Sheriffs, Surveyors, and other Officers Fees, to the Perſons entitled to receive the ſame, there ſhall paid and allowed by ſuch Perſons to the Sheriff or Collector, Six Pounds of Tobacco for every Hundred Pounds of Tobacco ſo paid, and ſo proportionably for a greater or leſſer Quantity; and the ſaid Sheriff or other Collector is hereby impowered to retain the ſame in his Hands: And the Sheriff or other Collector of the Levies, Quit-Rents, and Fees aforeſaid, ſhall pay and diſcharge the ſame by the ſame Notes which they ſhall receive in Payment thereof. For preventing Miſtakes; Levies ſhall be laid it Nett Tobacco. No Abatement to be made in a Payment with Convenience. Four *per Cent.* to be allowed for Caſk. Six *per Cent.* allowed for collecting. Collectors ſhall pay the ſame Notes they received.

XXXI. *AND be it further Enacted*, That during the Continuance of this Act, the Clerk of the General Court, and of every County Court, in taxing the Coſts of any Judgment or Decree obtained, or to be obtained, ſhall deduct out of the ſaid Coſts the ſame Allowance for Convenience as ſhall or ought to be made and allowed to the Party firſt charged with the Fees ſo taxed in the Bill of Coſts by the reſpective Officers; and Execution ſhall iſſue for no more than the ſaid Coſts amount to after the ſaid Deduction. Bills of Coſts ſhall be taxed in Nett Tob. and Execution ſhall iſſue accordingly.

XXXII. *AND be it further Enacted*, That all Public, County, and Pariſh Levies, Quit-Rents, Secretary's, Sheriffs, Clerks, Surveyors, and other Officers Fees, payable in Tobacco, ſhall be paid and ſatisfied by the Perſons chargeable with, Public Dues & Officers Fees ſhall be paid before the 10th of *April*, Yearly.

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In Case of Failure, Collectors may distrain & sell.

with, and indebted for the same, to the Sheriffs or other Collectors, by Transfer Notes, before the Tenth Day of *April*, Yearly: And if any Person, chargeable with the Levies, Quit-Rents, and Fees aforesaid, shall neglect or refuse to pay the same within the Time aforesaid, it shall and may be lawful to and for the Sheriffs and other Collectors, immediately after the said Tenth Day of *April*, to distrain the Goods and Chattels of the Person or Persons so neglecting and refusing, and to sell and dispose thereof for Tobacco, in the same Manner as is directed by Law for Goods taken in Execution; and the Overplus, (if any be) after paying the said Levies, Quit-Rents, and Fees, and the Charge of Distress, which is hereby declared to be the same as for serving an Execution, shall be returned to the Debtor.

Goods distrained for Quit-Rents, how to be redeemed, or sold.

Collectors to account and pay before the last Day of *May*, Yearly.

If they refuse or delay, shall forfeit double the Value to the Party grieved. How to be recovered.

XXXIII. *PROVIDED always*, That where any Goods or Chattels shall be distrained for Non-Payment of Quit-Rents, the same shall be redeemed by the Payment of Money for so much as the said Quit-Rents amount to; and if not redeemed, the Sheriff shall sell the same for Money accordingly: And the Sheriffs or other Collectors of the said Levies and Fees, shall, before the last Day of *May*, Yearly, pay and deliver to each Creditor, according to their respective Debts or Claims, all the Inspectors Notes he or they have received, in Satisfaction thereof: And if any Sheriff or other Collector shall refuse or delay to make Payment accordingly if required, he or they so refusing or delaying, shall forfeit and pay to the Party grieved, double the Value of the Tobacco so refused or delayed to be paid: To be recovered, with Costs, in any Court of Record within this Dominion, if the Debt due exceeds Two Hundred Pounds of Tobacco; and before any Justice of the Peace, if the Debt be Two Hundred Pounds of Tobacco, or under.

Warehouses established.

XXXIV. *AND be it further Enacted, by the Authority aforesaid*, That Public Warehouses for Inspection of Tobacco, pursuant to this Act, shall be kept at the several Places herein after mentioned: That is to say;

IN the County of *Accomack*; at *Pitt*'s Landing, upon *Pokomoke*, and at *Guilford*'s, where the Warehouses are now kept, under one Inspection; at *Pungoteague*, in the same County, and *Nasswaddox*, in *Northampton* County, where the Warehouses are now kept, under one Inspection.

IN the County of *Caroline*; at *Conway*'s, and *Roy*'s.

IN the County of *Charles-City*; at *Swinherd*'s; and upon the Land of *Richard Kennon*, where the Warehouses are now kept.

IN *Elizabeth-City* County; at *Hampton*, upon Mr. *Miles*'s Lot.

IN the County of *Essex*; at *Bowler*'s, and on *Piscataway* Creek, where the Warehouses now are, under one Inspection; at *Hobb*'s-*Hole*, at *Layton*'s, and on *Occupatia* Creek, on the Land of *James Garnet*, where *Robert Jones* formerly dwelt, under one Inspection.

IN the County of *Gloucester*; at *Gloucester* Town; at *Eastermost* River; at *Deacon*'s Neck, and *Poropotank*, where the Warehouses are now kept.

IN the County of *Hanover*; at *Crutchfield*'s; and at *Crutchfield*'s upper Landing, upon the Land of Mr. *Page*; and at *Meriwether*'s.

IN the County of *Henrico*; at *Warwick*; at *Shoccoe*'s; and at Col. *John Bolling*'s, where the Warehouses are now kept; and at *Bermuda-Hundred*, and *Turky-Island*, where the Warehouses are now kept; under one Inspection.

IN the County of *Isle of Wight*; at *Wainwright*'s, and on *Smith*'s Land, on the *East* Side of *Pagan* Creek, under one Inspection; and at *Warrisqueak*-Bay.

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IN the County of *King and Queen*; at *Shepherd*'s, and *Thomas Turner*'s, under one Inspection; at *Mantapike*; at *Walkertown*, on the Lot of Mr. *John Walker*, in the said County; and at *Waller*'s Ferry, in the County of *King-William*; under one Inspection.

AT *Todd*'s, in the County of *King-William*; at *Aylet*'s; at *Quarles*'s; at *Williams*'s; and at *Waller*'s Ferry, under one Inspection with *Walkertown* Warehouse, in *King and Queen*.

IN the County of *King-George*; at *Bray*'s Church; *Falmouth*; and on *Jonathan Gibson*'s Land, where the Warehouses are now kept; and on Mr. *George Morton*'s Land.

IN the County of *Lancaster*; at *Davis*'s, and *Skelton*'s, under one Inspection; at *Dymer*'s, upon *Hadway*'s Creek, in the same County, and *Indian* Creek, in the County of *Northumberland*, under one Inspection; and at *Deep* Creek.

IN the County of *Middlesex*; at *Kemp*'s, and at *Urbanna*.

IN the County of *Norfolk*; at *Norfolk* Town, upon the Fort Land; at the *Great Bridge*, on Mr. *Samuel Boush*'s; and at *Kemp*'s Landing, in the County of *Princess-Anne*, under one Inspection.

IN the County of *Nansemond*; at *Sleepy-Hole*; at *Lawrence*'s; and at *Constance*'s.

IN the County of *Northampton*; at *Cherrystone*'s, and *Hungar*'s, under one Inspection.

IN the County of *New-Kent*; upon the Land of *Richard Littlepage*; and at the *Brick-House*, on Col. *Basset*'s Land.

IN the County of *Northumberland*; at *Wiccocomico*; and at *Coan*, where the Warehouses now are.

IN the County of *Prince-George*; at *Bolling*'s-Point; at *Maycock*'s; and at *Jordan*'s.

IN the County of *Fairfax*; at *Occoquan*, and *Peyton*'s, in *Prince-William* County, under one Inspection; at *Pohick*; at *Hunting* Creek; and on the Land of the Honourable *Thomas Lee*, Esq; at the Falls of *Patowmack*.

IN the County of *Prince-William*; at *Quantico*.

IN the County of *Richmond*; on *Rappahanock* Creek, near the Mouth, on Mr. *Fantleroy*'s Land, and on Sir *Marmaduke Beckwith*'s Land, near the Bridge over the same Creek, under one Inspection; and on *Totasky* Creek, on the Land of Mr. *Brokenbrough*, and on the Land of Mr. *Hornby*, and on the Land of the late *John Carter*, Esq; deceased, where the Warehouses are now kept, under one Inspection; and at *Glascock*'s, where the Warehouses are now kept.

IN the County of *Surry*; at *Cabbin-Point*; and at *Gray*'s Creek, where the Warehouses are now kept.

IN the County of *Stafford*; on *Patowmack* Creek, upon *Cave*'s Land; and at *Boyd*'s-*Hole*, where the Warehouses are now kept; and at *Acquia*.

IN the County of *Spotsylvania*; at *Fredericksburg*, and *Royston*'s, where the said Warehouses are now kept.

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IN the County of *Warwick*; at *Denbeigh*, where the Warehouses now are.

IN the County of *Westmoreland*; on both Sides of *Nomini*, upon *Spence*'s Land; and on both Sides of *Mattox*, upon *Washington*'s and *Martin*'s Land; at *Yeocomico*, where the Warehouses now stand, and at *Rust*'s Landing, on the same River, under one Inspection.

IN the County of *York*; at *Roe*'s; at *York* Town; and at the *Capitol* Landing, and at the *College* Landing, in *James-City* County, where the Warehouses are now kept, under one Inspection.

IN the County of *James-City*; at *Hog-Neck*, on the Land of *Catharine Walker*.

New Warehouses erected.

XXXV. *AND be it further Enacted, by the Authority aforesaid*, That from and after the Ninth Day of *November* next, the Public Warehouses be erected at the several Places herein after named: That is to say;

IN the County of *Henrico*; on the Land of *John Osborne*; and at the *Rocky-Ridge*, on the Land of the late *William Byrd*, Esq; deceased.

IN the County of *King-William*; at a Place called the *Piping-Tree*; to be under the same Inspection with the Warehouses at *Williams*'s, in the said County.

IN the County of *Nansemond*; at *Best*'s Landing, on *Lear*'s Creek, on the *North* Side of *Nansemond* River, upon the Land of *William Wilkinson*; to be under the same Inspection with the Warehouses at *Sleepy-Hole*, in the said County.

IN the County of *New-Kent*; on the Land of *Anthony Waddy*, where formerly the Agents Warehouses were.

AND in the County of *Westmoreland*; on the Land of *Richard Bernard*, formerly *Butler*'s, upon the lower Side of upper *Machotack* River.

AND that from and after the said Ninth Day of *November*, the Warehouses at *Coan* shall be discontinued; and new Warehouses erected, at *Ferry-Neck*, on the upper Side of *Coan* River, on the Land of *Rodham Kenner*, deceased, and on the Land of Major *John Waughop*, on the other Side of *Coan* River; to be under the same Inspection.

Salaries to the Inspectors.

XXXVI. AND there shall be paid to the several Inspectors appointed to attend, and attending the said several Warehouses, the Salaries herein after mentioned: That is to say; To each of the Inspectors,

	Pounds *per Annum.*
At *Pungoteague* and *Nasswaddox*, under one Inspection,	30
At *Pitt*'s and *Guildford*'s, under one Inspection,	25
At *Conway*'s	45
At *Roy*'s,	45
Upon *Gibson's* Land,	30
At *Kennon's*,	30
At *Davis*'s and *Skelton*'s,	30
At *Bermuda-Hundred* and *Turkey-Island*, under one Inspection,	30
At *Layton*'s and *Occupatia* Creek, under one Inspection,	35
At *Wainwright*'s, and on the *East* Side of *Pagan*-Creek, under one Inspection,	35
At *Warrisqueak Bay*,	35
At *Shepherd's* and *Thomas Turner's* Land, under one Inspection,	35
At *Deacon's-Neck*,	35
At *Poropotank*,	30
At *Page's*,	40
At *Nomini*,	35
At *Indian*-Creek and *Dymer's*,	30
At *Fredericksburg*,	45
At *Quantico*,	35

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	Pounds *per Annum.*
At *Hunting*-Creek,	30
At *Jordan*'s	30
At the Falls of *Patowmack*,	30
At *Accoquan* and *Peyton*'s,	30
At *Pohick*,	25
At *Cabbin-Point*,	45
At the *Capitol* and *College* Landings, under one Inspection,	35
At *Crutchfield*'s upper Landing,	40
At *Meriwether*'s,	35
At *Warwick*,	50
At *Shoccoe*'s,	50
At *John Bolling*'s,	25
At *Swinberd*'s,	25
At *Rocky-Ridge*,	25
At *Deep*-Creek,	30
At *Kemp*'s,	35
At *Norfolk* Town upon the Fort Land; at the *Great-Bridge*, on Mr. *Boush*'s Land; and at *Kemp*'s, under one Inspection,	40
At *Sleepy-Hole* and *Wilkinson*'s, under one Inspection,	30
At *Gloucester* Town,	30
At *Eastermost* River,	30
At *Walkertown* and *Waller*'s Ferry under one Inspection,	25
At *Todd*'s,	40
At *Acquia*,	30
At *Quarles*'s,	25
At *Yeocomico* and *Rust*'s,	35
At *Royston*'s,	45
At *Maycock*'s,	25
At *Roe*'s,	25
At *Denbigh*,	25
At *York* Town,	30

	Pounds *per Annum.*
At *Glascock*'s,	25
At *Gray*'s-Creek,	30
At *Hog-Neck*,	20
At *Aylet*'s,	35
At *Boyd*'s-*Hole*,	30
At *Williams*'s, and the *Piping Tree*, under one Inspection,	30
At *Bray*'s Church,	30
At *Falmouth*,	45
At *John Osborne*'s,	30
At *Morton*'s,	30
At *Hampton*, on *Miles*'s Lot,	25
At *Urbanna*,	30
At *Bowler*'s, and on *Piscattaway*-Creek, under one Inspection,	30
At *Hobbs*'s-*Hole*,	30
At *Lawrence*'s,	35
At *Constance*'s,	30
At *Cherrystone*'s, and *Hungar*'s under one Inspection,	25
At *Mantapike*,	30
At *Littlepage*'s	25
At the *Brick-House*,	25
At *Waddy*'s,	25
At *Wiccocommico*,	35
At *Mattox*,	25
At *Coan*, upon each Side of the River,	30
At *Bolling*'s-*Point*,	45
On Mr. *Fantleroy*'s Land, where the Warehouses now stand, and upon *Beckwith*'s Land, under one Inspection,	35
At *Totaskey*,	35
At *Patowmack* Creek, at *Cave*'s,	25
At *Machotack*,	25

XXXVII. *AND be it further Enacted*, That the Rents of the several Warehouses hereby established, shall be, and they are hereby settled at the following Rates: Rents of the Warehouses settled.

	Pounds *per Annum.*
At *Pungoteague*,	8
At *Nasswaddox*,	6
At *Pitt*'s, and *Guildford*'s,	10
At *Swinberd*'s,	10
At *Hampton*,	7
At *Bermuda-Hundred*,	8
At *Turkey-Island*,	8

	Pounds *per Annum.*
At *Norfolk*, *Princess-Anne*, and the *Great Bridge*, each	5
At *Cherrystone*'s and *Hungar*'s,	5
At *Hog-Neck*,	5
At *Roe*'s,	10
At the *College* Landing,	10

AND at all the other Warehouses there shall be paid and allowed for the Rents of the same, Eight Pence for every Hogshead of Tobacco that shall be received, inspected, and delivered out of such Warehouses respectively.

XXXVIII. *PROVIDED always*, That where Wharfs are or shall be necessary to be built, or kept in Repair at any of the said Warehouses, and the Rents hereby established are not sufficient for building and keeping in Repair such Wharfs, Where the Rents are not sufficient, Wharfs and new

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Wharfs; or where any new Warehouſes ſhall hereafter be built, in Purſuance of this Act, and the Rent hereby eſtabliſhed ſhall not be proportionable to the Expence of ſuch Building; in both the ſaid Caſes, ſuch farther Allowance ſhall be made by the General Aſſembly as ſhall be thought reaſonable; and the Rents aforeſaid, together with the Inſpectors Salaries, ſhall be paid and allowed by the Treaſurer to the ſeveral Inſpectors, upon the Paſſing their Accounts; and the Inſpectors ſhall pay the Rents to the Perſons entitled to receive the ſame, out of the Money received by them for inſpecting Tobacco: And if the Money received by any Inſpectors of any of the Warehouſes aforeſaid, ſhall not be ſufficient to pay the Salaries and Rents aforeſaid, and other incident Charges in this Act mentioned, ſuch Deficiency ſhall be made good out of the General Fund ariſing by the Profits of the other Warehouſes; and if that ſhall prove deficient, then the ſaid Salaries, Rents, and Charges, ſhall be paid and ſatisfied out of any other Public Money in the Hands of the Treaſurer for the Time being.

(new Warehouſes ſhall be built, at the Expence of the Public. How the Rents and Salaries are to be paid.)

(Proprietors of Warehouſes already built, ſhall let them to the Inſpectors, under a Penalty.)

XXXIX. *AND be it further Enacted*, That where the Warehouſes are already built at any of the Places herein before mentioned and appointed for keeping the ſame, and are now made Uſe of as, and for Public Warehouſes, the Proprietors and Owners of ſuch Warehouſes ſhall be, and they are hereby obliged to let the ſame to the Inſpectors, during the Continuance of this Act, at the Rent hereby eſtabliſhed for ſuch Warehouſes, reſpectively; and if any Proprietor or Owner ſhall refuſe ſo to do, he ſhall forfeit and pay One Hundred Pounds: And where Warehouſes are not already built at any of the Places aforeſaid, or where any new Warehouſe ſhall be hereafter appointed to be kept at any other Place, it ſhall and may be lawful for the Juſtices of the Court of that County wherein ſuch Place is or ſhall be, and they are hereby required to cauſe the Owner or Proprietor of the Land where ſuch Warehouſes are or ſhall be appointed to be kept; and in Caſe ſuch Owner or Proprietor be under Age, Feme Covert, or out of the Country, then the Guardian, Huſband, or known Attorney (as the Caſe is) of ſuch Owner or Proprietor to be ſummoned to appear before them at the next ſucceeding County Court after ſuch Summons ſhall iſſue, there to declare whether they will undertake to erect and build ſuch Houſes, Wharfs, and other Conveniences, as the ſaid Court ſhall think fit to direct, and let the ſame to the Inſpectors appointed to attend at ſuch Warehouſes, at the Rent ſettled by this Act, or which ſhall hereafter be ſettled for the ſame; and in Caſe ſuch Owner or Proprietor will undertake the ſame, then the ſaid Court ſhall, and they are hereby required, to take Bond, with one ſufficient Security, in a reaſonable Penalty, payable to his Majeſty, his Heirs and Succeſſors, with a Condition, for the due Performance of ſuch Undertaking: And in Caſe ſuch Owner or Proprietor ſhall refuſe to undertake the ſame, or to give ſuch Bond as aforeſaid, then it ſhall and may be lawful for the ſaid Juſtices, and they are hereby required, to value an Acre of the ſaid Land for the Uſe aforeſaid, and to agree with any Perſon or Perſons for erecting and building thereon ſuch Houſes, Wharfs, and other Conveniences as ſhall be neceſſary, and to take Bond, with good Security, from ſuch Perſon or Perſons, for performing ſuch Agreement, and letting ſuch Land and Houſes to the Inſpectors at the Rent ſettled, or to be ſettled, in Purſuance of this Act; and the Perſon or Perſons with whom ſuch Agreement ſhall be made, upon paying or tendring to the Owner or Proprietor of the ſaid Land, the Money at which the ſame ſhall be valued, as aforeſaid, and building thereon, according to his or their Agreement, ſhall, from thenceforth have an Eſtate, in Fee-Simple, in ſuch Land, during the Time ſuch Place ſhall be made Uſe of for a public Warehouſe: and in Caſe the Proprietor of the ſaid Land, or any other Perſon, will not build ſuch Houſes, Wharfs, and Conveniences on the ſaid Land, and let the ſame to the Inſpectors at the Rent ſettled, or to be ſettled, as aforeſaid; in that Caſe it ſhall and may be lawful to and for the ſaid Juſtices, and they are hereby required, to pay or tender to the Proprietor of the ſaid Land, the Value thereof, according to the Valuation before-mentioned, and to cauſe to be built thereon ſuch Houſes, Wharfs, and other Conveniences, and to levy the Charge thereof upon the Inhabitants of their County, and ſhall take and

(Owners of Lands where Warehouſes are to be built, ſhall be ſummoned to the County Court, to declare whether they will build thereon.)

(If they will build, the Court ſhall take Bond. But if they refuſe, the Juſtices ſhall value an Acre of Land, and agree with any other Perſon to build upon it, taking Bond. And ſuch other Perſon, paying or tendering the Valuation Money to the Owner, and building thereon, ſhall have an Eſtate, in Fee-Simple, in the Land as long as ſuch Place ſhall be uſed for a Warehouſe. But if no Perſon will build, the Juſtices ſhall cauſe Houſes)

and receive the Yearly Rent established, or to be established in Pursuance of this Act, for re-imbursing the County the Charge of purchasing the said Land, and building thereon; and from thenceforth, the Justices of the said County, for the Time being, shall be seized, in Fee, of the said Lands, in Trust, and for the Use of the said County, during the Time the said Place shall be made Use of for a Public Warehouse. And where the Justices of any County Court, or any other Person or Persons, have already built Warehouses upon the Lands of another Person, by Virtue or in Pursuance of the Laws now in Force, the said Justices, or other Person or Persons, shall, in like Manner, be seized, in Fee, of the Acre of Land upon which such Warehouses are built, so long as the said Places, respectively, shall be made Use of for Public Warehouses; but if any of the Places whereon Warehouses are or shall be built by the Justices or other Persons, not Proprietors as aforesaid, shall hereafter happen to be discontinued, the Proprietor of the Land, returning the Price paid for the same, shall be, from thence forth, seized of his former Estate.

A. D. 1748. Houses, &c. to be built, and the Rent shall be paid to the County. Where any Justices or others have built, they shall also be seized in Fee-Simple. But if the Warehouses be discontinued, the Proprietor, returning the Price paid, shall be again seized.

XL. ***PROVIDED** always*, That where any Warehouses have been, or shall be built, by the Justices or other Person as aforesaid, and the first Proprietor of the Land shall desire to have the same again, such Proprietor, upon Payment of so much Money as shall be sufficient to re-imburse the said Justices or other Person the principal Money expended, for the Purchase of the Land and the building such Warehouses, with lawful Interest, deducting the Rents received by the said Justices or other Person, shall be restored to his former Estate in the Land whereon such Warehouses are built; and shall receive the Rents afterwards growing due for such Warehouses.

Or paying the principal Sum expended, with Interest, deducting the Rents received, shall be restored to his former Estate at any Time.

XLI. ***PROVIDED** also*, That if any Proprietor, so as aforesaid restored to his Estate, shall neglect or refuse to repair and build such Houses and Wharfs as the Court shall think necessary, the Justices shall be again seized of the Fee-Simple Estate of such Land, during the Time such Place shall be made Use of for a Public Warehouse; and such Proprietor shall not have any Benefit of the Rents that shall thereafter become due.

But upon his Failing to repair & build, the Justices shall be again seized,

XLII. ***PROVIDED** also*, That nothing herein contained shall be construed to give Power to the said Justices, to take away the Houses, Orchards, or other immediate Conveniences of any Proprietor of Land, for the Uses or Purposes aforesaid; nor to the said Inspectors, to keep any Horses, Cattle, or Hogs, at any of the said Public Warehouses, except in Inclosures upon the Land appointed for such Warehouses: And if any Swine belonging to the said Inspectors, or any of them, shall be found at large upon the Land appropriated for such Warehouses, or the Lands adjoining thereto, it shall and may be lawful for the Proprietors of the said Lands to kill, or cause to be killed or destroyed, all such Swine. And the Justices of the Peace of the several Counties, in their County Courts, shall, and are hereby declared, to have full Power to put in Execution so much of this Act as relates to the erecting and building of Public Warehouses, and to regulate all Matters concerning the same; and to direct the building and repairing of such Houses, Wharfs, Prizes, Cranes, and other Conveniences, from Time to Time, as to them shall seem necessary and expedient: And where any Public Warehouse or Warehouses have been or shall be built so near any River or Creek, that the Tobacco brought thither may be in Danger of being destroyed by the Overflowings of such River or Creek, the respective Courts of the Counties where any such Warehouse or Warehouses are, shall, and they are authorised and required, to direct the Floor or Floors of such Warehouse or Warehouses to be raised, in such Manner as to them shall seem best: And in Case the Owner or Proprietor of any Warehouse shall refuse or neglect to make such Buildings, Repairs, Wharfs, Prizes, Cranes, Floors, and other Conveniences, as shall be directed by the said Courts, it shall and may be lawful for the said Courts to direct the same to be done at the Charge of the County; and the Justices of the County shall receive a proportionable Part of

The Justices shall not have Power to take away immediate Conveniences. Neither shall the Inspectors keep Horses, Cattle, or Swine, at the Warehouses, except in Inclosures. Swine kept contrary to this Act, may be killed. Justices declared to have full Power to regulate all Matters concerning Public Warehouses.

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of the Rent for the Uſe of the County: And if any Difference ſhall ariſe between ſuch Owners and the Juſtices, touching the Proportion, the ſame ſhall be determined by the Governor and Council; but if there ſhall happen to be an immediate Occaſion to hire Houſes before others can be built as aforeſaid, the Rent of ſuch Houſes ſhall be paid by the County, and be again re-paid by the Public, without any Charge upon the Landlord. And if, upon the Application of the Inſpectors to their County Courts for building and making other neceſſary Houſes, Wharfs, and Repairs, ſuch County Court ſhall refuſe or fail to do their Duty therein, every Juſtice ſo failing or refuſing, ſhall forfeit and pay One Thouſand Pounds of Tobacco: To be recovered in the General Court, with Coſts, by Action of Debt, or Information, againſt ſuch Juſtices, jointly.

Penalty for neglecting their Duty.

Loſſes by Fire to be made good by the Public, and Inſpectors indemnified.

XLIII. *AND be it further Enacted*, That if any of the Warehouſes herein before mentioned ſhall happen to be burnt, the Loſs ſuſtained thereby ſhall be made good and repaired to the ſeveral Perſons injured, by the General Aſſembly, at the next Seſſion after ſuch Loſs: And in Caſe of ſuch Accident, no Inſpectors ſhall be ſued or moleſted for, or by Reaſon of, any Promiſſory Notes or Receipts by them given for any Tobacco burnt in the ſaid Warehouſes, but ſhall be altogether acquitted and diſcharged of and from the Payment of the Tobacco in ſuch Notes or Receipts mentioned: Any Thing herein before contained to the contrary, notwithſtanding.

Weights and Scales to be kept at every Warehouſe.

Juſtices to provide them where they are not already provided, or are worn out, at the Charge of the Public.

And ſhall alſo try the Weights once a Year by the Standard, and cauſe them to be amended.

XLIV. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be kept at every one of the ſaid Warehouſes herein before appointed, and at all others hereafter to be appointed, a good and ſufficient Pair of Scales, with Weights to weigh Twelve Hundred Pounds at the leaſt, and a Sett of ſmall Weights, the ſame that are or ought to be provided for the Standard Weights of each County; and where ſuch Scales and Weights are not already provided, or now are or ſhall be hereafter worn out, or become unfit for Uſe, the Juſtices of the reſpective County Courts wherein any of the ſaid Warehouſes are or ſhall be, are hereby directed and required, to provide the ſame with all convenient Speed; and the Treaſurer of this Colony is hereby impowered and required to pay the Purchaſe-Money out of the Public Money in his Hands; and moreover, the ſaid Juſtices are hereby required and directed, once in every Year at the leaſt, to appoint one or more of their Number to view the ſaid Scales and examine and try the Weights at the ſeveral Warehouſes, by the Standard Weights of the County: And if the ſaid Scales and Weights ſhall want repairing, or the Weights be found deficient, or differing from the lawful Standard, the ſaid Juſtices ſhall cauſe the ſame to be repaired and amended, and the Weights made conformable to the Standard; and if the Juſtice or Juſtices ſo appointed ſhall refuſe or neglect to do the ſame, the Juſtice or Juſtices ſo refuſing, ſhall forfeit and pay the Sum of Twenty Shillings; and the Charge of repairing and amending the ſaid Scales and Weights, and alſo for removing the Standard to the ſeveral Warehouſes for trying the ſame, ſhall be paid by the Inſpectors reſpectively, and be again allowed to them in their Account with the Treaſurer.

Perſons clandeſtinely carrying Tob. into *N. Carolina*, or *Maryland*, liable to a Penalty.

XLV. AND for preventing the clandeſtine Tranſportation of bad and unmerchantable Tobacco from this Colony to the Provinces of *North-Carolina* and *Maryland*, and alſo for the preventing the Exportation of Tobacco in Bulk or Parcels; *Be it further Enacted, by the Authority aforeſaid*, That no Tobacco whatſoever of the Growth or Production of this Colony, ſhall, during the Continuance of this Act, be tranſported or carried into either of the ſaid Provinces of *North-Carolina* or *Maryland*, either by Land or Water, until the ſame hath been firſt viewed, examined, and ſtamped, at one or other of the Warehouſes appointed or to be appointed in Purſuance of this Act, nor until due Entry thereof ſhall be made with the Officers of the Cuſtoms in the Diſtrict wherein the Owner of the ſaid Tobacco ſhall reſide, and a Permit obtained from them for that Purpoſe: And if any Perſon or Perſons ſhall preſume to carry or tranſport, or cauſe to be carried or tranſported, any Tobacco not inſpected and ſtamped, or without

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having obtained ſuch Permit as aforeſaid, to either of the ſaid Provinces of *North-Carolina* or *Maryland*, he or they ſo offending, ſhall forfeit and pay Five Pounds for every Hogſhead or Caſk of Tobacco, and Twenty Shillings for every Hundred Pounds of Tobacco in Bulk or Parcels, tranſported or carried out contrary to the Directions of this Act. A. D. 1748.

XLVI. *AND be it further Enacted*, That all Sheriffs, Under-Sheriffs, and Conſtables, who ſhall be in Office at the Paſſing of this Act, ſhall, at the firſt Court to be held for their reſpective Counties after the Publication thereof, take an Oath, That if they ſhall at any Time know, or be credibly informed, or have good Reaſon to ſuſpect, that any Tobacco is preſſed or packed in any Caſk, Cheſt, or other Package whatſoever; or any Tobacco is put on Board any Boat or Veſſel, in Order to be ſhipped off without being inſpected; or that any Tobacco is carrying or carried out of this Colony into *Carolina* or *Maryland*, without a Permit for ſo doing; they will forthwith make Information and a particular Diſcovery thereof to the next Juſtice of the Peace of the County where ſuch Tobacco ſhall be; and that all Sheriffs and Under-Sheriffs reſpectively, which ſhall, after the Paſſing of this Act, be appointed or ſworn into the ſaid Offices, ſhall, at the Time of their being ſworn, take the ſame Oath, and obtain a Certificate thereof: And every ſuch Officer failing ſo to do, ſhall forfeit Five Pounds current Money, to the Informer; to be recovered, with Coſts, by Action of Debt or Information, in any Court of Record within this Dominion: And every Inſpector and Conſtable ſhall take the ſame Oath, at the firſt Court held for the County where he reſides, or at the ſame Court, if ſworn at the County Court, after he ſhall be ſworn in his Office, under the like Penalty. And if any Juſtice of the Peace ſhall know, or be informed by any of the ſaid Officers, or by any other Perſon, upon Oath, of any ſuch Tobacco ſo preſſed or packed, in Order to be ſhipped off or carried out of this Colony without being inſpected as aforeſaid, ſuch Juſtice, or by his Warrant, any Sheriff, Under-Sheriff, or Conſtable, within the Limits of his County, ſhall have Power and Authority, and is hereby required, to enter any ſuſpected Houſes, and to break open all Doors, either by Day or by Night, to ſearch for the ſame; and finding any Tobacco preſſed in any Caſk, Cheſt, or Caſe, that ſhall not contain Two Hundred Pounds Weight of Nett Tobacco, or any Package made up in Linen Cords or Spun-Yarn, of any Weight whatſoever, ſuch Juſtice, Sheriff, Under-Sheriff, or Conſtable, reſpectively, ſhall ſeize and deſtroy the ſame; and the Perſon in whoſe Poſſeſſion ſuch Tobacco ſhall be found, ſhall forfeit, to the Informer, Ten Shillings for every Hundred Pounds Weight, and ſo in Proportion for a leſs Quantity: To be recovered, with Coſts, in any Court of Record, if it be Twenty Five Shillings current Money, or more; or if under that Sum, before any Juſtice of the Peace of the County where the Fact ſhall be committed; and ſuch Juſtice ſhall and may iſſue an Execution either againſt the Body or Goods of the Offender accordingly: Any Law, Statute, or Cuſtom to the contrary, notwithſtanding. And any Juſtice of the Peace of any County near the Place where any Ship, Sloop, Boat, or other Veſſel ſhall ride, upon Application to him made by any Perſon, ſuſpecting any Tobacco in Bulk or Parcels to be on Board ſuch Ship, Sloop, Boat, or other Veſſel, ſhall, and is hereby impowered and required, to iſſue his Warrant, directed to the Sheriff, or any Conſtable of his County; and the Sheriff or Conſtable ſhall have full Power and Authority, and he is hereby required, to enter and go on Board ſuch Ship, Sloop, Boat, or other Veſſel, to ſearch for and ſeize ſuch Tobacco; and the ſame being ſeized, ſhall be brought on Shore, and carried before the ſame or any other Juſtice, who ſhall cauſe the ſame to be immediately weighed and burnt by ſuch Sheriff or Conſtable. And if any Maſter or Commanding Officer of any Ship or Veſſel, or the Skipper of any Sloop, Boat, or other Veſſel, or any other Perſon whatſoever, ſhall reſiſt the Officer in the Execution of any ſuch Warrant, every ſuch Maſter or Commanding Officer ſhall forfeit and pay Fifty Pounds; and every ſuch Skipper, Sailor, or other Perſon ſo reſiſting, ſhall forfeit and pay Ten Pounds. And if any Action ſhall be brought againſt any Juſtice of the Peace, Sheriff, Under-Sheriff, or Conſtable, for doing any

Sheriffs, Under-Sheriffs, & Conſtables, to take an Oath.

Penalty in Caſe of Failure. Inſpectors the ſame.

Power and Duty of Juſtices and Officers; for preventing the Exportation of uninſpected Tobacco.

Perſons in whoſe Poſſeſſion ſuch Tob. ſhall be found, liable to a Penalty.

Veſſels may be ſearch'd.

Penalty on the Maſter, or any other Perſon, reſiſting the Officer.

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A. D. 1748. Thing in Execution of this Act, the Defendant may plead the General Issue, and give this Act in Evidence; and if the Plaintiff shall be Non-suit, or a Judgment pass against him upon a Verdict or Demurrer, the Defendant shall recover double Costs.

No Inspector capable of being chose a Member of the House of Burgesses, during his Office, nor within 2 Years after; neither shall he intermeddle with an Election, unless by giving his Vote, nor collect or purchase any Tob. under Penalties.

XLVII. *AND be it further Enacted, by the Authority aforesaid*, That no Person, taking upon himself the Office of Inspector, shall, during his Continuance in that Office, or within Two Years after he shall be out of his said Office, be capable of being elected a Member of the House of Burgesses, or shall presume to intermeddle or concern himself with any Election of a Burgess, or Burgesses, otherways than by giving his Vote, or shall endeavour to influence any Person or Persons to give his or their Vote, under the Penalty of Fifty Pounds for every Offence; neither shall any Inspector, during the Time aforesaid, be, or undertake to be, Collector of his Majesty's Quit-Rents, or of any Public, County, or Parish Levies, or of any Officers Fees; nor shall, directly or indirectly, for himself or any other Person, buy or receive, by Way of Barter, Loan, or Exchange, any Tobacco whatsoever, under the Penalty of forfeiting Twenty Shillings for every Hundred Pounds of Tobacco so bought or received.

But may receive his Rents in Tob.

XLVIII. *PROVIDED, always*, That nothing herein contained shall be construed to hinder any Inspector from receiving his Rents in Tobacco, which shall be first viewed, examined, and stamped, according to the Directions of this Act.

Penalty on Inspectors taking a Bribe.

XLIX. AND for the further and better Direction of the Inspectors, aforesaid in their Duty, *Be it Enacted*, That no Inspector shall take, accept, or receive, directly or indirectly, any Gratuity, Fee, or Reward, for any Thing by him to be done in Pursuance of this Act, other than his Salary, and the other Payments and Allowances herein before mentioned and expressed: And if any Inspector shall take, accept, or receive any such Gratuity, Fee, or Reward, every such Inspector, being thereof convicted, shall forfeit and pay Fifty Pounds current Money: To be recovered, with Costs, by any Person or Persons who shall inform or sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Dominion; and moreover, shall be disabled from holding the Place or Office of an Inspector during the Continuance of this Act: And if any Person or Persons shall offer any Bribe, Reward, or Gratuity to any Inspector, for any Thing by him to be done in Pursuance of this Act, other than the Fees and Allowances herein before mentioned and appointed, every Person so offending, and being thereof convicted, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds current Money: To be recovered in any Court of Record within this Dominion: One Half of which said Forfeiture shall be to our Sovereign Lord the King, to and for the Use of such Inspector refusing such Bribe or Reward; and the other Half to the Person or Persons who will inform or sue for the same.

And upon the Person offering it.

Inspectors paying away Tobacco shall open it, if required.

Method to be taken, if it be refused.

L. *AND be it further Enacted*, That when any Person shall be entitled to receive a Hogshead of Tobacco by Virtue of any Inspectors Notes or Receipts, the Inspectors shall be obliged to open the Hogshead, and shew such Tobacco to the Person demanding the same, if required, whether such Tobacco be Crop or Transfer; and if such Person shall refuse to accept of the Tobacco offered or tendered in Payment, as bad, unsound, and unmerchantable, such Person so refusing and not accepting thereof, shall make immediate Application to any Three Justices near or nearest to the Warehouse at which the Tobacco so refused shall be offered or tendered in Payment, who are no ways related to the Parties nor concerned in Interest, and the said Justices shall take an Oath before some other Justice of the said County, (which Oath such Justice is hereby impowered and required to administer,) carefully to view and examine the said Tobacco, and, to the best of their Skill and Judgment, not to pass any Tobacco that is not sound, well-conditioned, merchantable, and clear of Trash, according

according to the Directions of this Act; and that they will therein do their Duty according to their Judgment and Conſcience, without Fear, Favour, Affection, Malice, or Partiality: Which ſaid Three Juſtices ſo ſworn, are hereby directed, impowered, and required, upon ſuch Application, to repair to the Warehouſe where ſuch Tobacco ſhall be offered or tendered in Payment, and carefully to view and examine the ſame, in ſuch Manner as they ſhall think fit; and if any Two of them ſhall adjudge the Tobacco ſo tendered in Payment, to be bad, unſound, or unmerchantable, to cauſe the ſame to be immediately burnt; and for their Trouble, the ſaid Three Juſtices who ſhall be preſent at ſuch View, ſhall be paid, by the Inſpector or Inſpectors who offered the ſame in Payment, Five Shillings each; and if the ſaid Juſtices, or any Two of them, ſhall adjudge the ſaid Tobacco ſo tendered or offered in Payment, to be good, ſound, and merchantable, according to the Directions of this Act, the ſaid Juſtices ſo attending, ſhall be paid, by the Party deſiring ſuch View, Five Shillings, as aforeſaid: And when any Tobacco ſhall be tendered or offered in Payment by any Inſpector, and refuſed, the ſaid Inſpectors ſhall not be at Liberty to tender or offer in Payment, nor the Perſon demanding the ſame to receive, any Tobacco in Lieu thereof, before ſuch Tobacco ſhall have been viewed as aforeſaid; but the Perſon refuſing ſhall immediately mark the ſame: And if any Inſpector ſhall offer or tender in Payment any Tobacco in Lieu of the Tobacco ſo refuſed, before the ſame ſhall have been viewed as aforeſaid, or ſhall not produce the ſame Tobacco ſo refuſed, to the ſaid Juſtices, in either Caſe it ſhall be taken for a Conviction that the Tobacco firſt tendered in Payment was bad, unſound, and unmerchantable; and moreover the ſaid Inſpectors ſhall forfeit and pay Ten Pounds for every ſuch Offence: And if the Perſon who ſhall refuſe any Hogſhead of Tobacco as aforeſaid, ſhall accept or receive another Hogſhead of Tobacco in Lieu of that refuſed, before ſuch Hogſhead ſo refuſed ſhall be viewed, as aforeſaid, he ſhall forfeit and pay Ten Pounds for every ſuch Hogſhead.

No other Tobacco ſhall be tendered or received in Lieu of the Tob. refuſed, 'til that hath been viewed, under a Penalty both upon the Inſpector and Receiver.

LI. *AND be it further Enacted*, That when any new Inſpector or Inſpectors ſhall be appointed at any of the ſaid Warehouſes, ſuch Inſpector or Inſpectors ſhall, and they are hereby required, to give to the Perſon or Perſons whom they ſhall ſucceed, a Receipt, with his or their Hands ſubſcribed, containing the Numbers, Marks, Tare, Groſs, and Nett Weight of all and every Hogſhead or Caſk of Tobacco, which ſhall be then remaining at the Warehouſe or Warehouſes at which they are appointed Inſpectors; with the Delivery and Payment of which ſaid Hogſheads or Caſks of Tobacco ſo remaining, he or they ſhall, from thenceforth be chargeable and liable; but he or they ſhall in nowiſe be accountable or anſwerable for the Loſs of Weight, or for Quality, of Tobacco contained in any Hogſhead for which ſuch Receipt was by him or them ſo as aforeſaid given: And if any Hogſhead or Caſk of Tobacco ſhall hereafter be received by any Perſon or Perſons whatſoever, and delivered out of any of the ſaid Warehouſes, for Exportation, by the Inſpector or Inſpectors attending the ſame, ſuch Inſpector or Inſpectors, from the Time of ſuch Delivery, ſhall be for ever diſcharged and acquitted from all Actions, Coſts, and Charge, for or by Reaſon of the Tobacco contained in any ſuch Hogſhead or Caſk being unſound and unmerchantable, or of leſs Quantity than the Notes or Receipts given for the ſame: Any Thing herein before contained to the contrary, notwithſtanding. And when any prized Tobacco ſhall be brought to any Public Warehouſe, in Order to be ſhipped on Freight, and the Inſpectors there attending ſhall refuſe to paſs ſuch Tobacco, unleſs ſuch as ſhall be bad and unmerchantable ſhall be picked and ſeparated from the Reſt; or where any light Crop Tobacco ſhall hereafter be brought to any of the ſaid Warehouſes; in either Caſe the ſaid Inſpectors, if required, ſhall permit the Owner or other Perſon bringing ſuch Tobacco to make Uſe of one or more of their Prizes, for the re-packing, prizing, or making heavier ſuch Tobacco, without Fee or Reward: And if there ſhall be ſeveral Hogſheads of Tobacco, belonging to ſeveral Owners, to be picked, re-packed, prized, or made heavier, at any Public Warehouſe, the Owner or other Perſon bringing the ſame, whoſe Tobacco ſhall be firſt viewed, and refuſed or found light,

The Duty of Inſpectors declared, in ſeveral Particulars.

A. D. 1748. light, ſhall be firſt permitted and allowed to make Uſe of ſuch Prize or Prizes: And the ſame Rules ſhall be obſerved in the prizing all Tobacco which ſhall be picked, re-packed, prized, or found light as aforeſaid: And for all Tobacco re-packed and prized by the Owner thereof, or the Servants and Slaves to him belonging, there ſhall be paid to the Inſpectors thereof only Three Shillings for ſtamping; and for all Tobacco re-packed and prized by the Inſpectors, Five Shillings for each Hogſhead, and alſo Six Pence for Nails, unleſs the Proprietor ſhall find and provide Nails: And no Inſpector ſhall take, or convert to his own Uſe, or otherwiſe diſpoſe of, any Draughts or Samples of Freight or Crop Tobacco, but the ſame (if fit to paſs) ſhall be put into the Hogſhead out of which it was drawn; under the Penalty of forfeiting Twenty Shillings for every Draught ſo taken away, contrary to the Directions of this Act: To be recovered before any Juſtice of the Peace of the County wherein ſuch Offence ſhall be committed: And all Inſpectors, if required, ſhall alter the Mark and Number of any Hogſhead of Tobacco for which they have before given a Receipt; and for preventing Confuſion and Miſtakes, ſhall keep a Waſte-Book, in which ſhall be entered the Marks and Numbers of all Hogſheads of Tobacco received by them; and another Book, in which ſhall be entered the Marks and Numbers thereof, when the ſame ſhall be delivered out by them: And all Inſpectors, when required, ſhall be obliged to prize any Hogſhead of Tobacco under Nine Hundred and Fifty Pounds Nett, ſo as to make it up that Weight; but ſhall receive the ſame Fee upon ſuch Hogſhead as for Transfer Tobacco, and may make the lawful Abatement of the Tobacco prized in. And where any Tobacco ſhall be brought to any Warehouſe by the Overſeer of the Owner thereof, the Inſpectors ſhall give Notes and Receipts in the Name of the Owner, and not of the Overſeer.

No Tob. ſhall be cut & manufactured before it has been inſpected.

Perſons bringing ſuch Tob. to the Warehouſe, ſhall make Oath, before it ſhall be paſſed.

LII. AND for preventing the cutting and manufacturing bad, unſound, and traſh Tobacco, *Be it further Enacted, by the Authority aforeſaid*, That from and after the Paſſing of this Act, no Perſon whatſoever ſhall cut, manufacture, and prize into any Hogſhead or Caſk, any Tobacco which ſhall not have been viewed, examined, and paſſed, at ſome or one of the Public Warehouſes, before the ſame ſhall be cut and prized: And every Perſon bringing any Hogſhead or Caſk of cut and manufactured Tobacco to any Warehouſe to be viewed, ſtamped, and paſſed, ſhall, before the ſame be viewed and examined or ſtamped, make Oath, before the Inſpectors of the Warehouſe to which the ſame ſhall be brought, or one of them, (which Oath the ſaid Inſpectors, or one of them, is and are hereby impowered and required to adminiſter,) That all the Tobacco, cut and manufactured, contained and prized in ſuch Hogſhead or Caſk, was, before the ſame was cut and prized, viewed, examined, and paſſed at ſome or one of the Public Warehouſes in this Colony; and that, to his Knowledge, Privity, or Direction, no other Tobacco hath been packed or prized in ſuch Hogſhead or Caſk; and it ſhall not be lawful for any Inſpectors to view, paſs, and ſtamp any Hogſhead or Caſk of cut and manufactured Tobacco, before ſuch Oath be taken by the Perſon bringing or owning the ſame: And if any Perſon ſhall preſume to cut and manufacture any Tobacco which ſhall not have been firſt viewed, examined, and paſſed at ſome or one of the Public Warehouſes as aforeſaid, in Breach of this Act, and of the ſaid Oath, every ſuch Perſon ſo offending, and being thereof lawfully convicted, ſhall forfeit and pay for every ſuch Offence, Ten Pounds; and moreover ſhall ſuffer as in Caſe of wilful and corrupt Perjury.

Penalty on Offenders.

Light Hogſheads or Parcels of Tob. may be delivered out by the Inſpectors to the Owner, but ſhall be again inſpected before it ſhall be ſhipped.

LIII. *AND be it further Enacted*, That any light Hogſhead or Parcel of Tobacco, after the ſame ſhall be paſſed at any Public Warehouſe and not ſtamped, ſhall and may be delivered out by the Inſpectors to the Owner of their Notes, and ſuch Tobacco may be carried away, for the better ſorting and ſtemming or cutting the ſame; provided that ſuch Tobacco ſhall not be ſhipped off until it ſhall be again Inſpected, paſſed, and ſtamped; for which the Inſpectors ſhall receive the eſtabliſhed Fees; under the ſame Penalties as are herein before

fore inflicted, for shipping off, and taking on Board any Ship or other Vessel, Tobacco not inspected, viewed, and stamped, according to the Directions of this Act. *A. D.* 1748.

Owners of transfer Notes may receive & mark Hogshds and Inspectors shall give Crop Notes, and be answerable for such Hogshds. as for Crop-Tobacco, the Owner paying 2 *s.* 6 *d.* down and 3 *s.* on Delivery.

LIV. *AND be it further Enacted*, That the Owner of any Transfer Notes may, at any Time before the First Day of *October* in every Year, receive and mark Hogsheads of Tobacco for satisfying such Notes; and the Inspectors shall take in their former Notes, and deliver Crop Notes and Receipts for such Hogsheads, and shall be answerable for the safe Keeping thereof, in the same Manner as they are for Crop Tobacco; but the Person receiving such Hogsheads shall pay to the Inspectors Five Shillings and Six Pence for the Inspection and Nails for every Hogshead; that is to say, Two Shillings and Six Pence down, and Three Shillings when the Tobacco shall be delivered: And the Inspectors shall, at the Court held for their County in the Month of *October*, Yearly, or if there be no Court in that Month, then at the next Court held for their County, lay before the Court an Account, upon Oath, of all the Transfer Notes that were not by them taken in and received before the said First Day of *October*; and after such Account exhibited, and Oath made, shall sell the Tobacco in such Notes contained, deducting the Allowance for Shrinkage and Wasting, at public Auction, at the Door of the Court-House, between the Hours of Twelve and Two: and the Inspectors shall pay the Money arising by such Sale in Satisfaction of their Notes, from Time to Time, to the Proprietors thereof, making their Demand, under the same Penalty as is inflicted for not paying Inspectors Notes: And all Inspectors shall keep a just and true Account of the Tobacco gained or saved, upon the Allowance made for Cask, or for Shrinkage of Transfer Tobacco: And if any Tobacco shall be so gained or saved, shall exhibit an Account thereof, upon Oath, in the same Manner as is before directed concerning Transfer Tobacco not received, and shall also sell the Tobacco so gained and saved, in the same Manner as is directed for the Sale of Transfer Tobacco; and shall account for the Money arising by such Sale to the Treasurer of this Colony for the Time being, in their next Account with him, and the said Treasurer shall account for the same to the General Assembly; and no Inspector shall convert any Tobacco so gained or saved, to his own Use.

Inspectors shall, upon Oath, lay before the County Court in *October*, or at the next Court, an Account of all the Transfer Tob. in their Hands, and shall sell the same, & pay the Money to the Owners; and shall also account for & sell the Tob. gained for Cask or Shrinkage, & pay the Money to the Treasurer.

To account with the Treasurer before the 10th of *Nov.* Yearly.

LV. *AND be it further Enacted, by the Authority aforesaid*, That all Inspectors shall, annually, before the Tenth Day of *November* in every Year, account with the Treasurer of this Colony, upon Oath, for all Monies received, or which ought to be received by them, by Virtue of this Act, (except the Money paid for Nails,) for every Hogshead of Transfer Tobacco; in which Account they shall be allowed their Salaries, the Rents of the Warehouses, and all other necessary Disbursements, in Pursuance of this Act.

Inspector guilty of a Breach of Duty; how to be proceeded against.

LVI. AND for the better detecting of Inspectors, who shall not do their Duty, and the more speedy and easy Examination into Complaints against them; *Be it further Enacted*, That any Two Justices of the Peace, not being Inspectors, shall have Power to hear all Complaints against any Inspector within their County, and to take the Depositions of Witnesses upon the Matter of such Complaint, on both Sides; which shall be transmitted by them to the Governor and Council, for their Determination: And to the End such Depositions may be taken in the best Manner, the Clerk of the County, or some sufficient Person by him to be appointed, shall attend the said Justices for that Purpose, and be paid by the County the same Fee, as is or shall be by Law established for attending the Examination of Witnesses upon a *Dedimus Potestatem*; and moreover, any Two Justices shall have Power to visit all or any of the Public Warehouses within their County, and if they shall discover any Negligence in the Inspectors, either in securing the Tobacco, or stowing the same away in a proper Manner for saving the Room in such Houses; or that they do not keep a sufficient Number of Hands for dispatching the Business; or do not attend constantly, according to the Direction of this Act; or that they are guilty

A. D. 1748. of any other Breach or Breaches of their Duty; the ſaid Juſtices ſhall certify the Governor and Council thereof: And if any Inſpector ſhall be adjudged guilty of a Breach of his Duty, he ſhall be removed from his Office, and for ever after be incapable of ſerving as Inſpector. And if any Inſpector ſhall be removed from his Office, upon a Complaint and Proſecution againſt him in the Method by this Act preſcribed, he ſhall be liable to the Action on the Caſe of the Proſecutor, for his neceſſary Coſts and Expences in ſuch Proſecution, in which the Proſecutor ſhall recover his full Coſts of Suit; and every Inſpector ſhall moreover be liable to the Action of the Party grieved for all Loſs and Damage that may happen or ariſe to any Perſon by Occaſion of any Failure of Duty, or Neglect of any ſuch Inſpector; in which Action the Plaintiff ſhall recover his full Coſts altho' the Damages do not exceed Forty Shillings.

If removed from his Office, ſhall be liable to an Action of the Proſecutor for his Coſts, and of the Party grieved for his Damages.

Penalties appropriated, & how to be recovered.

LVII. *AND be it further Enacted, by the Authority aforeſaid,* That all the Penalties and Forfeitures in this Act contained, and not herein before particularly appropriated, ſhall be, One Moiety to our Sovereign Lord the King, his Heirs and Succeſſors, to be applied towards defraying the Charges of the Execution of this Act, and the other Half to the Perſon who ſhall inform or ſue for the ſame; and ſhall and may be recovered, with Coſts, by Action of Debt or Information, in any Court of Record within this Dominion, where the Penalty or Forfeiture exceeds Twenty Five Shillings, or Two Hundred Pounds of Tobacco; and where the ſame does not exceed thoſe Sums, before any Juſtice of the Peace of the County where the Offence ſhall be committed.

Penalties impoſed by former Acts may be ſued for, & recovered, after the Expiration of ſuch Acts.

LVIII. AND whereas ill-diſpoſed Perſons may be encouraged to offend againſt the Laws herein before recited, and now in Force, *For amending the Staple of Tobacco, and preventing Frauds in his Majeſty's Cuſtoms,* in Hopes to eſcape Puniſhment by Reaſon of the Expiration of the ſaid Laws; for preventing whereof, *Be it Enacted, by the Authority aforeſaid,* That all Penalties and Forfeitures laid and impoſed by any of the ſaid recited Laws, and all Breaches and Offences againſt the ſame, ſhall and may be ſued for and proſecuted, and Judgments given in ſuch Suits and Proſecutions, notwithſtanding the ſaid Laws ſhall be expired at the Time of the Proſecutions begun or Judgments given, in the ſame Manner as ſuch Suits and Proſecutions might have been commenced and Judgments given, in Caſe the ſaid Laws were not expired: Any Law, Statute, Cuſtom, or Uſage to the contrary thereof, in any-wiſe, notwithſtanding.

Within a Year after the Offence committed.

LIX. *PROVIDED always,* That ſuch Proſecution be commenced within one Year after the Offence committed.

Continuance of this Act.

LX. *AND be it further Enacted,* That this Act ſhall continue and be in Force, from and after the Paſſing thereof, for and during the Term of Four Years, and from thence to the End of the next Seſſion of Aſſembly.

CHAP. LII.

An Act, for continuing the Act, intituled, *An Act for reducing the Laws made for laying a Duty upon Liquors, into one Act of Aſſembly.*

Preamble.

I. WHEREAS the Act of Aſſembly, made in the Nineteenth Year of the Reign of his preſent Majeſty, intituled, *An Act for reducing the Laws made for laying a Duty upon Liquors, into one Act of Aſſembly,* will expire on the Tenth Day of *June,* which ſhall be in the Year of Our Lord One Thouſand Seven Hundred and Fifty One; and it being neceſſary and expedient that the ſame ſhould be further continued:

II. *BE*

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the said recited Act of Assembly shall continue and be in Force, from the Tenth Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Fifty One, for and during the Term of Four Years, from thence next following, and no longer. Former Act continued for 4 Years, from the 10th *June* 1751.

III. AND whereas an Act for Re-building the *Capitol* is passed this present Session of Assembly, which will require a considerable Sum of Money to be raised for putting the same in Execution, and the Produce of the present Duties upon Liquors and Slaves is found very deficient, and falls short of answering other public Debts chargeable thereon; and it appearing to this General Assembly, that the laying an additional Duty on Liquors imported, will be the must easy Expedient for raising a Fund to defray the Charges of the said Re-building, and other public Debts: Preamble.

IV. *BE it therefore further Enacted, by the Authority aforesaid,* That for every Gallon of Rum, Brandy, and other stilled Spirits, and every Gallon of Wine, which, from and after the First Day of *January* next, shall be imported and brought into this Colony and Dominion, either by Land or Water, from any Port or Place whatsoever, except directly from *Great Britain*, an additional Duty of One Penny, shall be paid by the Owner or Importer thereof, for and during the Term of Four Years, from thence next following, and no longer: And that the said additional Duty shall be collected, levied, and paid, in the same Manner, within the same Time or Times, and under the same Penalties, as the Duties of Two Pence and One Penny *per* Gallon upon Rum, Brandy, or other distilled Spirits, and Wine, laid by the said first recited Act, are therein directed to be collected, levied, and paid; and shall also be drawn back upon Exportation, and subject to the Abatement and Allowance of Fifteen *per Cent.* when paid in Money imported; and shall be, by the respective Collectors thereof, accounted for, and paid to the Treasurer of *Virginia* for the Time being, in the same Manner, at the same Time or Times, and to the same Use or Uses, as the said Duty of Two Pence is, by the said first recited Act, directed and required to be accounted for and paid. Additional Duty of 1 *d.* a Gallon laid on Rum, *&c.* & Wine, imported, except from *Great-Britain*, for 4 Years; to be collected and paid in the same Manner as the former Duty.

CHAP. LIII.

An Act for appointing a Treasurer, and other Purposes therein mentioned.

I. WHEREAS by one Act of Assembly, made in the Fifteenth Year of his Majesty's Reign, *John Robinson*, the Younger, Esquire, was appointed Treasurer of the Revenue arising by Two several Acts of Assembly, for laying a Duty upon Liquors, the one made in the Twelfth Year of the Reign of his late Majesty King *George* the First, and the other made in the Fifth and Sixth Years of the Reign of his present Majesty; and by one other Act of Assembly, made in the Fifth and Sixth Years of his present Majesty's Reign, for laying a Duty upon Slaves; and also, by one other Act of Assembly, made in the Thirteenth Year of his Majesty's Reign, intituled, *An Act for laying an additional Duty upon Slaves, to be paid by the Buyers; for encouraging Persons to inlist in his Majesty's Service, and for preventing Desertion*; to hold the said Office of Treasurer so long as he should continue Speaker of the House of Burgesses; and from the Time of his being out of that Office, until the End of the next Session of Assembly: And whereas the said first mentioned Act will expire at the End of this Session of Assembly, and it being expedient that a Treasurer should be appointed; Recital.

II. BE

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A Treaſurer appointed.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That from and after the Paſſing of this Act, *John Robinſon*, the Younger, Eſquire, ſhall be, and he is hereby nominated, conſtituted, and appointed Treaſurer of the Revenue ariſing from the Duty upon Liquors and Slaves, laid and impoſed by one Act of Aſſembly, made in the Nineteenth Year of the Reign of his preſent Majeſty, intituled, *An Act for reducing the Laws made for laying a Duty upon Liquors, into one Act of Aſſembly*; and by the ſaid Act for laying a Duty upon Slaves: To hold the ſaid Office ſo long as he ſhall continue Speaker of the Houſe of Burgeſſes; and from the Time of his being out of that Office, until the End of the next Seſſion of Aſſembly. And the ſaid *John Robinſon* is hereby authoriſed, impowered, and required to demand, receive, and take, of and from the ſeveral Collectors of the ſaid Duties, all and every the Sum and Sums of Money ariſing by Force and Virtue of the ſaid Acts, or any or either of them, and ſhall apply and utter the ſame to and for ſuch Uſes, and upon ſuch Warrants, as by the ſaid Acts for laying the ſaid Duties, or by any other Act or Acts of the General Aſſembly, is, or ſhall be appointed or directed; and ſhall be accountable for the ſaid Money to the General Aſſembly.

Tenure and Duty of his Office.

His Salary.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Salary of Five Pounds in the Hundred, and ſo proportionably, for a greater or leſſer Sum, ſhall be allowed and paid to the ſaid Treaſurer hereby appointed, out of all and every the Sum and Sums of Money by him received, and accounted for to the General Aſſembly as aforeſaid; and that there ſhall be alſo allowed to the ſaid Treaſurer, for auditing and ſettling the Accounts of Inſpectors of Tobacco, during the Continuance of the Laws in that Behalf made, the Sum of One Hundred Pounds *per Annum*, for his Trouble and Service therein.

Security to be given.

IV. *PROVIDED always*, That the ſaid Treaſurer, before he enters upon his Office, ſhall give ſuch ſufficient Security, as ſhall be approved by the Governor or Commander in Chief of this Colony, in the Sum of Ten Thouſand Pounds, for the due anſwering and paying all the Money by him, from Time to Time, to be received, as aforeſaid.

In Caſe of his Death, &c. Governor may appoint another, who ſhall alſo give Security.

V. AND to the End a Treaſurer may not be wanting, in Caſe of the Death, Reſignation, or Diſability of the Treaſurer hereby appointed; *Be it further Enacted*, That in either of theſe Caſes, it ſhall be lawful for the Governor or Commander in Chief of this Colony, with the Advice of the Council, for the Time being, to appoint ſome other fit and able Perſon to be Treaſurer of the Duties, to hold the ſaid Office, with all Powers, Authorities, Salaries, and Profits aforeſaid, until the End of the next Seſſion of Aſſembly: Which Treaſurer ſo appointed ſhall, before he enters upon his Office, give the like Security as is herein before directed.

Treaſurer impowered to take up Money on Intereſt, for re-building the *Capitol*, & the Duties ſhall ſtand as Security for the Payment.

VI. AND whereas the preſent low Condition of the Public Treaſury doth require ſome Money to be raiſed, for diſcharging the Expence of Re-building the *Capitol*, in the City of *Williamſburg*; *Be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurer be, and he is hereby impowered and required, to borrow a Sum of Money, not exceeding Three Thouſand Pounds, or ſo much thereof as ſhall be ſufficient for the Purpoſe aforeſaid, at an Intereſt of Five *per Cent.* which Money ſo to be borrowed, with the Intereſt thereof, ſhall be allowed to the ſaid Treaſurer in his Accounts: And the Revenue or Duties in this Act mentioned ſhall, and are hereby declared to ſtand, be, and remain as a Security, for the Payment of the Money ſo to be borrowed. And the ſaid Treaſurer is hereby required to re-pay ſuch Money, with Intereſt, out of the Public Monies that ſhall come to his Hands, either by Receipt of the Duties aforeſaid, or otherwiſe.

CHAP.

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CHAP. LIV.

An Act for Re-building the Capitol, *in the City of* Williamsburg.

I. WHEREAS His Majeſty's Royal *Capitol*, in the City of *Williamſburg*, hath been unhappily burnt down; and it is neceſſary that the ſame be re-built with all poſſible Expedition, for the convenient Sitting and Holding of the General Aſſemblies and General Courts of this Colony: Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That *John Blair*, and *William Nelſon*, Eſquires, *Philip Ludwell*, *Carter Burwell*, *Edward Digges*, *Peyton Randolph*, *Beverley Whiting*, and *Benjamin Waller*, Gentlemen, or any Five of them, be, and they are hereby impowered, to covenant, agree with, hire and employ ſuch and ſo many Undertakers, Workmen, and Labourers, and to provide, furniſh, and buy ſuch Materials as they or any Five of them, ſhall think convenient and proper, to be employed and made Uſe of in and about ſuch Re-building, Repairing, and Altering the ſaid *Capitol*, on the old Foundations, and to give ſuch neceſſary Orders and Directions therein, from Time to Time, as they ſhall ſee Cauſe, until it ſhall be finiſhed. Perſons appointed to agree with Workmen for Re-building the *Capitol*.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Directors, as often as they ſhall have Occaſion for Money for the Uſes aforeſaid, ſhall, from Time to Time, apply themſelves to the Governor or Commander in Chief for the Time being, to iſſue out his Warrant to the Treaſurer of this Colony, to pay ſo much Money as ſhall be wanting, for the Purpoſes aforeſaid, not exceeding the Sum of Three Thouſand Pounds; who is hereby required to pay the ſame accordingly: Which ſaid Sum or Sums the ſaid Directors ſhall account for to the next Meeting of the Aſſembly, after the Work aforeſaid ſhall be finiſhed. Directors to apply to the Governor for his Warrant to the Treaſurer for Money, not exceeding 3000*l.* to carry on the Work, and to account to the General Aſſembly.

IV. *PROVIDED nevertheleſs,* That nothing herein contained ſhall be conſtrued, deemed, or taken, to eſtabliſh or fix the Seat of Government in the City of *Williamſburg*; but that the ſaid *Capitol*, when it ſhall be ſo re-built, repaired, or altered, ſhall only be and remain as a Building for holding General Aſſemblies and General Courts, until ſuch Time as it ſhall be thought, by any future Aſſembly, convenient and neceſſary, and for the general Benefit of this Colony, to cauſe a Building, for the Purpoſes aforeſaid, to be erected on ſome other Place, more convenient to the Inhabitants of this Colony, and commodious for Trade and Navigation: Any Thing in this Act to the contrary, or ſeeming to the contrary, in any-wiſe, notwithſtanding. Proviſo, that this Act ſhall not fix the Seat of Governmt. in *Williamſburg*.

CHAP. LV.

An Act for Confirming the Grants made by his Majeſty, within the Bounds of the Northern-Neck, *as they are now eſtabliſhed.*

I. WHEREAS in the late Diſpute and Controverſy, touching the Limits and Boundaries of the ſeveral Letters Patent granted by their late Majeſties King *Charles* the Second, and King *James* the Second, unto the Anceſtors of the Right Honourable *Thomas* Lord *Fairfax*, it hath been adjudged and determined by his preſent Majeſty, in Council, That the ſaid Letters Patent do include all that Tract or Territory of Land between the Rivers of *Patowmack* and *Rappahanock*, and the Line now marked from the Head Spring of the ſaid River *Patowmack*, to the Head Spring of *Rappahanock*, commonly called the *Conway*; in which ſaid Tract or Territory of Land, as is before deſcribed, many Adventurers and Planters have taken up great Quantities of Land, and obtained Grants Preamble.

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and Patents thereof from the Crown, under the Seal of this Colony: And whereas the ſaid *Thomas* Lord *Fairfax* hath conſented, before the King, in Council, That the ſeveral Grants and Patents, made by the Crown, of the Lands included in the Boundary aforeſaid, ſhould be confirmed to the ſeveral Grantees, their Heirs and Aſſigns; to be held nevertheleſs of the ſaid Lord *Fairfax*, under the like Rents, Services, Profits, and Emoluments, as ſhould be paid, done, and ariſe, by and from the ſaid Grants made by the Crown:

Grants from the Crown of Lands in the *Northern-Neck* confirmed, but the Rents and Services ſhall be to the Lord *Fairfax*, and his Heiss.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeſſes, of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That all Grants and Patents whatſoever, under the Seal of this Colony, for Lands ſituate and lying within the Limits and Boundaries of the Letters Patent granted to the Anceſtors of the ſaid Lord *Fairfax*, as the ſame are now ſettled and determined, heretofore made and granted by the Crown, ſhall be held, deemed, and taken to be valid and effectual; and the Adventurers and Planters to whom the ſame were granted, their Heirs and Aſſigns, ſhall, for ever hereafter, peaceably and quietly, have, hold, and enjoy the ſaid granted Premiſſes, reſpectively, according to ſuch granted Eſtates, under the Rents and Services in the ſaid Grants reſerved; to be paid and performed to the ſaid *Thomas* Lord *Fairfax*, his Heirs and Aſſigns, for ever: Any Miſ-Recital or Defect in the ſaid Grants notwithſtanding.

CHAP. LVI.

Expired.

An Act for deſtroying Crows and Squirrels.

CHAP. LVII.

An Act for continuing an Act, intituled, *An Act for the better Regulating and Collecting certain Officers Fees; and for other Purpoſes therein mentioned.*

Preamble.

I. WHEREAS an Act of Aſſembly made in the Nineteenth Year of the Reign of his preſent Majeſty, intituled, *An Act for the better Regulating and Collecting certain Officers Fees, and for other Purpoſes therein mentioned,* will expire on the Twelfth Day of *April* next; and it is expedient that the ſame ſhould be further continued:

Former Act to continue Four Years, from the 12th of *April* next.

II. *BE it therefore Enacted, by the Lieutenant Governor, Council, and Burgeſſes of this preſent General Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That the ſaid recited Act ſhall continue and be in Force, from and after the ſaid Twelfth Day of *April* next, for and during the Term of Four Years, from thence next following, and no longer.

CHAP LVIII.

Had its Effect.

An Act for raiſing a Public Levy; and other Purpoſes therein mentioned.

CHAP.

CHAP. LIX.

A. D. 1748.

An Act for altering the Method of holding Courts in the Counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, *and* Augusta.

I. WHEREAS by Reason of the large Extent of the Counties of *Brunswick*, *Fairfax*, *Lunenburg*, *Frederick*, *Albemarle*, and *Augusta*, the Attendance of the Inhabitants at Monthly Courts is grievous and burthensome, and it is impossible for the Officers to execute Writs, and other Process returnable thereto; whereby great Delays are occasioned in determining Suits commenced and prosecuted in the said Courts: For Remedy whereof, Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That from and after the Twentieth Day of *June* next, there shall be held only Four Courts, in every Year, in each of the said Counties of *Brunswick*, *Fairfax*, *Lunenburg*, *Frederick*, *Albemarle*, and *Augusta*, on the Days herein after mentioned, That is to say; For the said Counties of *Brunswick*, and *Fairfax*, on the last *Tuesdays* in *March*, *June*, *September*, and *December*; for the said County of *Lunenburg*, on the First *Tuesday* in *January*, *April*, *July*, and *October*; for the said County of *Frederick*, on the Second *Tuesday* in *February*, *May*, *August*, and *November*; for the said County of *Albemarle*, on the Second *Tuesday* in *February*, *May*, *August*, and *November*; and for the said County of *Augusta*, on the Fourth *Tuesday* in *February*, *May*, *August*, and *November*: And that that all Persons may be the better ascertained when to attend any Process, or Pleas, they shall have depending in the said Courts: Courts to be held Quarterly.

III. *BE it further Enacted, by the Authority aforesaid,* That the said Courts of the several Counties aforesaid, shall begin upon the respective Days herein before appointed, and shall continue to be held from Day to Day, exclusive of *Sundays*, until all Causes and Controversies then depending before the said Courts, respectively brought, by Attachment, or Petition, or in which any Issue is to be tried, Writ of Enquiry to be executed, Special Verdict, Case agreed, or Demurrer to be argued, or any Cause set down for Hearing, or Argument in Chancery, shall be heard and determined; and shall not admit of any Delay, 'til another Court, in the Determination of any such Suit, unless good Cause be made appear for such Delay, except in Cases where by this Act it is otherwise directed. And that, before every of the said Courts, the Clerk shall enter, in a particular Docket, all such Causes as aforesaid, and those only; placing those wherein the Attendance of Witnesses is required, first in Order thereon. How long they shall sit.

IV. *PROVIDED nevertheless,* That if through Sickness, or other Inability, Badness of Weather, or other Accident, it shall so happen, that a sufficient Number of Justices shall not meet for holding the said Courts, upon the Days herein before appointed, in such Case it shall and may be lawful, for any one Justice, to adjourn the Court, whereof he shall be a Judge, from Day to Day, not exceeding Three Days, until a sufficient Number of Justices can attend to hold Court. Proviso in Case of Sickness, &c.

V. *AND be it further Enacted, by the Authority aforesaid,* That when Goods, or other Estate, of any Person or Persons, shall be attached, by Virtue of an Attachment granted by a Justice out of Court, it shall and may be lawful, for such Person or Persons, to replevy the same, by giving Bond, with good Security, to the Sheriff, or other Officer, serving the said Attachment (which Bond the said Sheriff, or other Officer, is hereby impowered and required to take) to appear at the Court, to which such Attachment shall be returnable, and to abide by, perform, and satisfy the Order and Judgment of such Court: And where the Estate so attached is perishable, if the Person or Persons to whom it belongs Rules concerning Attachments.

shall

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VI. *AND be it further Enacted, by the Authority aforeſaid*, That upon the replevying any Effects attached in Manner aforeſaid, the Sheriff ſhall return the Names of the Securities by him ſo taken, upon ſuch Attachment; and if ſuch Security ſhall be adjudged inſufficient by the Court, or the Defendant ſhall fail to appear, and give ſpecial Bail, when thereunto ruled by the Court, ſuch Sheriff or Security ſhall be ſubject to the ſame Judgment and Recovery, and have the ſame Liberty of Defence, Relief, and Remedy, as in like Caſes by Law is provided, in Suits depending in the General Court, upon Security taken by any Sheriff, upon the Execution of *meſne* Proceſs.

Rules concerning Bail.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That upon executing any Proceſs, whereupon Bail ſhall be requirable, the Sheriff ſhall return therewith the Names of the Bail by him taken, and if he ſhall not return Bail, or the Bail by him returned ſhall be judged inſufficient by the Court, or the Defendant ſhall fail to appear, or to give ſpecial Bail, when thereunto ruled by the Court, ſuch Sheriff, or Bail, ſhall be ſubject to the ſame Judgment and Recovery, and ſhall have the ſame Liberty of Defence, Relief, and Remedy, as in like Caſes is by Law provided, in Suits depending in the General Court.

VIII. *PROVIDED always*, That every Interlocutory or final Judgment, againſt any Defendant and the Sheriff, or againſt any Defendant and the Bail, returned by the Sheriff, entered or obtained before any Court next enſuing the Return of the Writ, upon which ſuch Defendant was arreſted, ſhall be ſet aſide if the Defendant, at the next Court, enſuing the Return, as aforeſaid, ſhall be allowed to appear without Bail, or ſhall put in good Bail, and plead to Iſſue immediately.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful, for any Judge, or Juſtice of the ſaid Courts; and every ſuch Judge, or Juſtice, is hereby authorized and impowered, when the ſaid Courts are not ſitting, to take a Recognizance of Bail, in any Action depending in the Court, whereof any ſuch Judge or Juſtice ſhall be a Member, *de bene eſſe*, which Recognizance ſhall be in the following Words, *to wit*.

MEMORANDUM, *That upon the*   *Day of*   *in the Year of our Lord*   E. F. *of the County of*   *perſonally appeared before me*, G. H. *Gent. one of his Majeſty's Juſtices of the Peace of the ſaid County of*   *and undertook for* C. D. *at the Suit of* A. B. *in an Action of*   *now depending in the Court of the ſaid County, That in Caſe the ſaid* C. D. *ſhall be caſt in the ſaid Suit, he the ſaid* C. D. *will pay the Condemnation of the Court, or render his Body to Priſon in Execution for the ſame, or that he the ſaid* E. F. *will do it for him.*

Which Recognizance ſhall be, by the Juſtice taking the ſame, returned to the Clerk, before the next ſucceeding Court. And if the Plaintiff or his Attorney ſhall except to the Sufficiency of the Bail ſo taken, Notice of ſuch Exception ſhall be given to the Defendant or his Attorney, at leaſt Five Days before the next ſucceeding Court; and if the Bail ſo taken ſhall be judged inſufficient by the Court, the Recognizance thereof ſhall be diſcharged, and ſuch Proceedings ſhall or may be had againſt the Defendant, or Defendants, as if no ſuch Bail had been taken; but if ſuch Bail ſhall be judged ſufficient, or ſhall not be excepted to within the Time aforeſaid, then the ſame ſhall ſtand and be chargeable, to all Intents and Purpoſes, as if the Recognizance had been taken in Court.

X. *AND*

X. *AND be it further Enacted, by the Authority aforeſaid*, That where any Defendant ſhall be in Cuſtody, the Plaintiff may file his Declaration, and give a Rule to plead, and ſhall deliver a Copy of ſuch Declaration, and Rule to the Defendant, or his Attorney, Five Days at leaſt before the next ſucceeding Rule-Day; and if thereupon, and Oath made of the Delivery of ſuch Copy, before any one of the Judges of the Court of the County where ſuch Perſon ſhall be in Cuſtody, ſuch Defendant ſhall fail to enter his Plea upon ſuch Rule-Day, the Plaintiff may have Judgment, in the ſame Manner as is herein after directed, upon failing to plead in any civil Action.

How the Plaintiff ſhall proceed againſt the Defendant in Cuſtody.

XI. AND for the better aſcertaining what Proceſs may be ſued out, where the Sheriff returns, that the Defendant is not to be found in his Bailiwick, *It is hereby Enacted*, That where any Sheriff ſhall make ſuch Return, the Plaintiff or Plaintiffs, in any civil Action, ſhall and may ſue out an Attachment againſt the Eſtate of ſuch Defendant returnable, as herein before is directed, for the Return of original or other ſubſequent Proceſs thereupon, to force an Appearance, or an *Alias* or *Pluries Capias*, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff ſhall return any Goods by him attached, the Plaintiff ſhall file his Declaration, and be entitled to a Judgment for his whole Debt; and the Goods ſo attached ſhall remain in Cuſtody of the Sheriff 'til ſuch Judgment obtained, and then be ſold and diſpoſed of, in the ſame Manner as Goods taken in Execution upon a Writ of *Fieri Facias*: And if the Judgment ſhall not be ſatisfied by the Goods attached, the Plaintiff may have an Execution for the Reſidue.

What Proceſs ſhall iſſue where a Defendant is not to be found.

XII. *PROVIDED always*, That all Goods ſo attached ſhall and may be replevied, by the Defendant's giving Bond and Security to the Sheriff, or other Officer attaching the ſame, in the ſame Manner as by this Act is directed, for replevying Goods attached upon an original Attachment, or by the Defendant's Appearance and putting in good Bail, if ruled by the Court to give ſpecial Bail. And for the more ſpeedy Determination of all Cauſes depending in the ſaid Courts:

Proviſo.

XIII. *BE it further Enacted, by the Authority aforeſaid*, That theſe following Rules and Methods ſhall be obſerved, *to wit*, That the Plaintiff or Demandant, in any Suit, ſhall file his Declaration the Day after the Court, to which the Writ is returnable, which ſaid Day is hereby declared to be the Day of Appearance, to all Writs, *Subpœna's* in Chancery, and other *meſne* Proceſs, returnable to the ſaid Court, and the firſt Rule-Day after ſuch Court; and the ſaid Rules ſhall be continued thereafter, to be held Monthly, on the ſame Day of the Week on which ſuch Appearance-Day ſhall be: That if the Plaintiff or Demandant fails to file his Declaration, or to appear and proſecute his Suit, he ſhall be Nonſuited: That upon every Non-ſuit Five Shillings ſhall be paid, beſides Coſt of the Suit: That every Defendant or Tenant ſhall file his Plea in Writing; and if he fail ſo to do Judgment ſhall be given againſt him for Want of a Plea: When the Defendant has entered his Appearance, and the Plaintiff filed his Declaration, the Plaintiff may give a Rule to plead, with the Clerk of the Court: That all Rules to plead, reply, rejoin, or for further or other Proceedings ſhall be given regularly, from Month to Month, after the Rule for Pleading is expired, with the Clerk in his Office upon the Days herein before directed; and no Rule ſhall be given between Month and Month, to the End that all Perſons, by inſpecting the Rule-Book to be kept by the Clerk for that Purpoſe, may know what Proceedings have been, or are to be, in the ſeveral Cauſes there depending: That upon the Expiration of any Rule, Judgment by Default or a Non-ſuit ſhall be ſigned by the Clerk in his Office, as of the preceeding Court, which Judgment ſhall be final in Actions of Debt, where the Debt is certain; and in other Actions a Writ of Enquiry ſhall be executed the next Court after Judgment ſo ſigned, the Plaintiff or his Attorney, giving the Defendant, or his Attorney, Twenty Days Notice of the Execution thereof: That no Iſſue ſhall be tried the next ſucceeding Court after it is joined, unleſs Twenty

Rules in Cauſes at common Law.

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Days Notice be given thereof, by the Plaintiff or his Attorney, to the Defendant or his Attorney: If an Iſſue be not tried, or a Writ of Enquiry not executed, the next Court after it is joined, or Judgment by Default, or interlocutory Judgment entered, no Notice of Trial or executing ſuch Writ need to be given; but ſuch Cauſes ſhall be called and determined, in the ſame Order as they ſtand on the Docket: That when any final Judgment ſhall be obtained out of Court, the Clerk ſhall allow a Lawyer's Fee in the Bill of Coſts, if the Plaintiff employ'd one; which Fee is hereby declared, in all Caſes, to be the ſame as in Cauſes where Judgment is obtained in Court: That where a ſpecial Verdict ſhall be found, or Caſe agreed, Time ſhall be allowed, upon the Motion of either Party, to the next ſucceeding Court to argue it: And if any Cauſes ſhall at the End of the Court remain uncalled, they ſhall be continued of Courſe, by the Clerk on the Docket, to the next ſucceeding Court, without Fee or Reward: And no Plea in Abatement, or of *non eſt Factum*, ſhall be received in any Cauſe depending in either of the ſaid Courts, unleſs the Party offering the ſame ſhall, by Affidavit, prove the Truth thereof: That where a Plea in Abatement ſhall be pleaded in any Action, in either of the ſaid Courts depending, and upon Argument the ſame ſhall be adjudged inſufficient, the Plaintiff or Plaintiffs, in ſuch Actions, ſhall recover againſt the Defendant or Defendants full Coſts, to the Time of over-ruling ſuch Plea, including the Coſts of that Court, a Lawyer's Fee only excepted; and that the Plaintiff in Replevin, or the Defendant in any other Action, may plead as many ſeveral Matters as he ſhall think neceſſary for his Defence, ſo as they be not admitted to plead and demur to the Whole. And for ſettling the Method of, and expediting Proceedings of the ſaid Courts, in Chancery:

And in Chancery.

XIV. *BE it further Enacted, by the Authority aforeſaid,* That in all ſuch Suits the following Rules and Methods ſhall be obſerved and put in Practice, *to wit*, That the Complainant ſhall file his Bill the Day after the Court, to which the *Subpœna* is returnable, or upon the firſt Appearance of the Defendant, That upon the Complainant's diſmiſſing his Bill, or the Defendant's diſmiſſing the ſame, for want of Proſecution, the Defendant ſhall recover his Coſts: The Complainant may amend his Bill before the Defendant appears, or in a ſmall Matter afterwards, without paying Coſts; but if he amend after Appearance, and in a material Point, whereby the Defendant ſhall be put to any extraordinary Coſts, ſuch Coſts ſhall be paid before the Complainant ſhall be at Liberty to amend his Bill. The Defendant ſhall put in his Anſwer, to be filed with the Clerk in his Office, at, or upon the next Rule-Day after his Appearance and Bill filed, at the Expiration of which Time, if no Anſwer ſhall be put in, the Clerk upon Requeſt ſhall iſſue an Attachment returnable to the next Court; and if no Anſwer ſhall be put in, upon Return of ſuch Attachment executed, the Complainant's Bill ſhall be taken *pro Confeſſo*, and the Matter thereof decreed; and if the Attachment ſhall be returned not executed, an Attachment with Proclamation ſhall be iſſued; and if upon Return thereof no Anſwer be put in, the Complainant's Bill ſhall be taken *pro Confeſſo*, and the Matter thereof decreed, as aforeſaid. No Proceſs of Contempt ſhall iſſue without Oath made of the Service of the *Subpœna*, unleſs the ſame ſhall be returned ſerved, by a ſworn Officer: Every Defendant ſhall be at Liberty to ſwear to his Anſwer before a Juſtice of the Peace. When any croſs Bill ſhall be preferred, the Defendant or Defendants in the firſt Bill ſhall anſwer thereto, before the Defendant or Defendants in the ſecond Bill ſhall be compellable to put in his or their Anſwer to ſuch croſs Bill. The Complainant ſhall reply or file Exceptions by the next ſucceeding Rule-Day after the Defendant ſhall have put in his Anſwer; and if the Complainant, at the Expiration of that Time, ſhall neither reply nor file Exceptions, the Suit ſhall be diſmiſſed, with Coſts. If any Bill ſhall be diſmiſſed for Want of a Replication, or other Proceedings, the Court, if they ſee Cauſe, may order the ſame to be retained upon Motion and Payment of Coſts. If the Complainant's Attorney doth except againſt the Anſwer of any Defendant or Defendants, as inſufficient, he may file his Exceptions, and enter a Rule to make a better Anſwer by the next

ſucceeding

ſucceeding Rule-Day; and if on or before the next ſucceeding Rule-Day the Defendant ſhall put in a ſufficient Anſwer, the ſame ſhall be received without Coſts; but if the Defendant or Defendants inſiſt on the Sufficiency of the Anſwer, or neglect or refuſe to put in a ſufficient Anſwer, or ſhall put in another inſufficient Anſwer, the Complainant may ſet down his Exceptions to be argued the next ſucceeding Court: And after the Expiration of ſuch Rule, or any ſecond inſufficient Anſwer put in, no further or other Anſwer ſhall be received but upon Payment of Coſts: And if upon Argument the Complainant's Exceptions ſhall be over-ruled, or the Defendant's Anſwer adjudged inſufficient, the Complainant ſhall pay to the Defendant or the Defendant to the Complainant, as the Caſe ſhall be, ſuch Coſts as ſhall be allowed by the Court: If any Defendant ſhall put in a ſecond inſufficient Anſwer, which ſhall be ſo adjudged, ſuch Defendant ſhall be examined upon Interrogatories, and committed 'til he ſhall perfectly anſwer thoſe Interrogatories, and pay Coſts: If the Defendant after Proceſs of Contempt put in an inſufficient Anſwer, which ſhall be ſo adjudged, the Complainant ſhall not be obliged to take out a new *Subpœna*, but may go on to the Attachment with Proclamation, as if no Anſwer had been put in: That Rules to plead, reply, rejoin, and for further Proceedings, when neceſſary, ſhall be given, from Month to Month, as is herein before directed, for Rules and Proceedings at the Common Law. Where the Complainant conceives ſufficient Matter to be confeſſed, by the Defendant's Anſwer, he may ſet down the Cauſe for, and proceed to Hearing, giving the Defendant or his Attorney Ten Days Notice. No Defendant ſhall be admitted to put in a Rejoinder, unleſs it be filed on or before the next Rule-Day after Replication put in; but the Complainant may proceed to the Examination of Witneſſes. After an Attachment, with Proclamation returned, no Plea or Demurrer ſhall be received, unleſs by Order of Court, upon Motion. If the Complainant conceives any Plea or Demurrer to be nought, either for the Matter or Manner of it, he may ſet it down to be argued; or if he thinks the Plea good, but not true, he may take Iſſue upon it, and proceed to Proofs; and if ſuch Plea ſhall be adjudged falſe, the Complainant ſhall have the ſame Advantage as if a Plea was found falſe by Verdict, at Common Law. If a Plea be pleaded, or Demurrer put in, and over-ruled, no other Plea or Demurrer ſhall thereafter be received; but the Defendant ſhall anſwer to the Allegations of the Bill. The Complainant at the next Rule-Day after a Plea or Demurrer put in, may cauſe the ſame to be ſet down, to be argued; but if the Complainant ſhall not proceed to have the ſame ſo ſet down, at the ſecond Rule-day after Plea or Demurrer put in, the Bill may be diſmiſſed of Courſe, with Coſts. Upon a Plea or Demurrer argued, and over-ruled, Coſts ſhall be paid, as where an Anſwer ſhall be judged inſufficient, and the Defendant ſhall file his Anſwer at the next Rule-Day; but if adjudged good the Defendant ſhall have his Coſts. If any Defendant ſhall obſtinately inſiſt on a Demurrer, and refuſeth to anſwer, where the Court ſhall be of Opinion, that ſufficient Matter is alledged in the Bill to oblige him to anſwer, and for the Court to proceed upon, the Bill ſhall be taken, *pro Confeſſo*, and the Matter thereof decreed accordingly. Upon a Bill filed, and before the Defendant puts in an Anſwer, upon Oath made, That any of the Complainant's Witneſſes are aged and infirm, or going out of this Colony, whereby the Complainant thinks he is in Danger of loſing the Benefit of their Teſtimony, the Clerk may iſſue a *Dedimus*, to take the Examination of ſuch Witneſſes *de bene eſſe*, the Party taking out ſuch Commiſſion giving the adverſe Party reaſonable Notice of the Time and Place of executing the ſame. Commiſſions to examine Witneſſes may be iſſued by the Clerk of the Court, at any Time after Replication filed; the Party taking out ſuch Commiſſion giving Ten Days Notice to the adverſe Party, of the Time and Place of executing the ſame. When any Cauſe ſhall be at Iſſue, and the Examination of Witneſſes returned, if the Complainant ſhall not, on the next ſucceeding Rule-Day thereafter, ſet down the Cauſe, for Hearing with the Clerk, on the Rule-Book, the Defendant may have the Cauſe ſet down at his Requeſt, and bring the ſame to Hearing, giving the Complainant, or his Attorney, ſuch Notice as is herein before directed, for hearing upon Bill, and Anſwer.

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XV. *AND*

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Clerk shall have the same Fees for Rules as for Services in Court.

XV. *AND be it further Enacted, by the Authority aforesaid,* That the Clerks of the said Counties of *Brunswick, Fairfax, Lunenburg, Frederick, Albemarle,* and *Augusta,* shall be entitled to the same Fees for Services done at the Rules, as by Law they are now allowed, for the like Services, in Court.

Grand-Juries to be summoned.

XVI. *AND be it further Enacted, by the Authority aforesaid,* That the Courts of the said Counties of *Brunswick,* and *Fairfax,* in the Months of *June* and *December*; of *Lunenburg,* in the Months of *January* and *October*; of *Frederick, Albemarle,* and *Augusta,* in the Months of *February* and *August*; shall order their Sheriffs to summon Twenty-Four of the most capable Freeholders, to appear at the next Court, to serve as a Grand-Jury of Inquest, for each of the said Counties, respectively: And that an Orphan's Court be held, for the said County of *Lunenburg,* in *October* annually.

Orphan's Court in *Lunenburg* to be held in *October*, annually.

Former Acts, contrary to this Act, suspended.

Commencement & Continuance of this Act.

XVII. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, Clause and Clauses, as to so much thereof, only, as relates to holding Courts in the said Counties of *Brunswick, Fairfax, Lunenburg, Frederick, Albemarle,* and *Augusta,* Monthly, and settling the Proceedings therein, which are contrary to this Act, shall, during the Continuance of this Act, be, and are hereby declared to be suspended: And that this Act shall continue and be in Force, from and after the said Twentieth Day of *June,* until the Tenth Day of *June,* which shall be in the Year of Our Lord, One Thousand Seven Hundred and Fifty One, and from thence to the End of the next Session of Assembly.

Private Acts.

Chap. 60. *An Act for enabling the Justices of* Prince-William, *to levy Tobacco on the Inhabitants of the said County, to defray the Charges of Clearing a Road therein, from the* Pignut, *to the* Blue-Ridge.

61. *An Act for obliging the Justices of* Isle of Wight, *to build a Bridge over* Blackwater-*Swamp, at* Proctor'*s.*

62. *An Act for Establishing a Town on the Land of* Richard Littlepage, *Gent. in the County of* New-Kent.

63. *An Act to impower the Vestry of the Parish of* Martin's-Brandon, *in the County of* Prince-George, *to sell the Glebe Land in the said Parish, and to purchase a more convenient Glebe in Lieu thereof.*

64. *An Act for Dividing the Parish of* Raleigh, *in the County of* Amelia, *and Erecting the same into Two distinct Parishes.*

65. *An Act for Establishing the Towns of* Petersburg, *and* Blanford, *in the County of* Prince-George, *and for preventing the Building Wooden Chimnies in the said Towns.*

66. *An Act for giving a certain Sum of Money to Trustees, for Clearing Roads over the Great Mountains.*

67. *An Act to impower* Thomas Dansie *to make a Causeway thro' the Marsh opposite to his Wharf.*

Chap.

Chap. 68. *An Act for allowing Fairs to be kept in the Town of* Suffolk, *and preventing Hogs and Goats going at large therein, and for altering the Time of holding Fairs in the Town of* Newcastle.

69. *An Act for continuing the Act, to impower the Justices of* Elizabeth-City *County, to erect Pounds, and for other Purposes therein mentioned.*

70. *An Act to enable the* Pamunkey *Town* Indians, *to sell a certain Tract of Land, and for other Purposes therein mentioned.*

71. *An Act to enable the* Nottoway Indians *to sell certain Lands, and for other Purposes therein mentioned.*

72. *An Act to dock the Intail of Six Hundred Acres of Land, in the Parish of* Lunenburg, *in the County of* Richmond, *whereof* Bernard Gains *died seized, in Fee-Tail, and to vest the same in* William Jordan, *Gent. in Fee-Simple, and settle other Lands, of greater Value, to the same Uses.*

73. *An Act for Dividing the County of* Orange.

74. *An Act for Dividing the County of* Goochland.

75. *An Act for annexing certain Lands to the Town of* Tappahanock, *and vesting the same in the Feoffees of the said Town, and for other Purposes therein mentioned.*

76. *An Act to dock the Intail of certain Lands, whereof* Carter Burwell *is seized in Tail-Male, and for settling other Lands, of greater Value, to the same Uses.*

CHAP. LXXVII.

An Act to impower the Trustees of Leeds-*Town to make a Causeway, through the Marsh opposite thereto, and for appointing a Public Ferry.*

I. WHEREAS the Passage from *Joseph Morton*'s Lot, in *Leeds*-Town, to the Land of *Sarah Brooke*, in *Essex* County, is long and dangerous; and whereas the making of a Road and Causeway, through the Marsh opposite to the said Town of *Leeds*, will render the Passage of Travellers short and safe, and be very beneficial to the Public, besides promoting the Commerce of the said Town; therefore

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same,* That the Trustees of the said Town of *Leeds*, or any Four or more of them, be impowered and authorised, and they are hereby impowered and authorised, to agree with any Person or Persons, to clear, dig up, extend, maintain,

A. D. 1748. tain, and improve a Causeway, from the River opposite to the said Town of *Leeds*, through the said Marsh, to the high Land of the said *Sarah Brooke*, in *Essex* County, near the Ferry Landing, and from Time to Time to widen, repair, and improve the same; and also, if necessary, to erect and build Bridges over any Gut or Creek, in the said Marsh. And upon compleating the said Causeway; *It is further Enacted, by the Authority aforesaid,* That a Public Ferry be established from the Public Landing of the said Town to the said Causeway, and that the said Trustees, and their Successors, or any Four or more of them, have Power, and they are hereby authorised, from Time to Time, to let the said Ferry to any Person or Persons that will undertake, out of the Profits thereof, to keep the said Causeway in good and and sufficient Repair.

III. *AND be it further Enacted, by the Authority aforesaid,* That the County Court of *Essex*, upon Application made to them by the Undertaker of the said Causeway, shall order and appoint Three honest Freeholders convenient thereto, to go upon and value one Acre of high Land, adjoining to the Place where the said Causeway shall begin; and the said Trustees, upon paying such Valuation to the Proprietor thereof, may, from Time to Time, make Use of the said Acre of Land, for raising and repairing the said Causeway; and for no other Use or Purpose whatsoever.

IV. AND whereas the said Trustees, out of the Sale of the Lots of the said Town, have paid off the respective Proprietors of the Land, and have yet remaining in their Hands the Sum of Eighty Pounds Current Money, besides a considerable Number of Lots undisposed of; *Be it further Enacted,* That as well the said Sum of Eighty Pounds, as likewise what other Money may be raised, by further Sale of Lots, during the Time the said Causeway shall be making, may be by the said Trustees, or any Four or more of them, appropriated to that Use; and that the Rates for passing the said Ferry be, for a Man, Four Pence; for a Horse the same; for every Coach, Charriot, or Waggon, and the Driver thereof, the same as for the Ferriage of Six Horses; and for every Cart or Four Wheel Chaise, and the Driver thereof, the same as for the Ferriage of Four Horses; and for every Two Wheel Chaise, or Chair, the same as for the Ferriage of Two Horses; according to the Rates herein before settled, and no more. And that the Keeper thereof have such Exemptions and Advantages, and be under the like Regulations and Restrictions as is and are by Law provided for, and in respect of the Keepers of other Public Ferries.

V. *AND be it further Enacted, by the Authority aforesaid,* That the Proprietor or Proprietors of the Marsh and Land, through which the Causeway and Road leads, if they think necessary, shall and may erect one or more Gates thereon.

Private Acts. Chap. 78. *An Act for Establishing a Town in* Augusta *County, and allowing Fairs to be kept therein.*

79. *An Act for Dividing the County of* Isle of Wight *into Two distinct Counties, and for other Purposes therein mentioned.*

80. *An Act for obliging the County of* Goochland, *and Parishes of St.* James Northam *and* Southam, *to repay the County of* Albemarle, *and Parish of St.* Anne, *a Sum of Money and Tobacco, therein mentioned.*

81. *An Act for Erecting a Town in the County of* Prince William.

Chap.

A. D. 1748.

Chap. 82. *An Act to prevent the Building of Wooden Chimnies, in the Town of* Walkerton; *and alſo, to prevent the Inhabitants thereof from raiſing and keeping Hogs.* Private Acts.

83. *An Act for Eſtabliſhing a Town near* Warwick, *in the County of* Henrico.

84. *An Act for Erecting a Town at* Hunting-Creek *Warehouſe, in the County of* Fairfax.

85. *An Act for Dividing the County of* Henrico *into Two diſtinct Counties.*

86. *An Act to impower the Veſtry of the Pariſh of* Newport, *in the* Iſle of Wight, *to ſell the Glebe Lands in the ſaid Pariſh, and to purchaſe a more convenient Glebe, in Lieu thereof.*

87. *An Act for Dividing the Pariſh of* Truro, *and diſſolving the Veſtry of the Pariſh of* Suffolk; *and other Purpoſes therein mentioned.*

88. *An Act for paying the Burgeſſes Wages in Money, for this preſent Seſſion of Aſſembly.* Had its Effect.

89. *An Act for diſſolving the Veſtry of the Pariſh of* Cumberland, *in the County of* Lunenburg, *and electing a new Veſtry in the ſaid Pariſh.*

Signed by Sir WILLIAM GOOCH, *Bart. Governor.*
JOHN ROBINSON, *Jun. Speaker.*

THE TABLE

OF ALL THE

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A Copy from the Ingrossed instead of the Inrolled Bills, being sent to the Press, has occasioned the following Errata, which the Reader is desired to correct in the Margin before reading.

ERRATA.

PAGE 218, line 13, *for* these *read* those. p. 223, l. 36, *for* than *read* then. p. 228, l. 31, *between* or *and* Apprenticeship *insert* her. ditto, l. 36, *instead of* lawful to *read* lawful for. p. 230, l. 38, *for* divising *read* devising. p. 231, l. 12, *for* House *read* Home. ditto, *last* l. *for* Estates *read* Estate. p. 233, l. 38, *for* Decedant *read* Decedent. p. 256, l. 2, after *Enacted*, *read* That. p. 266, l. 24, *after* Neglect *insert* or Refusal. p. 268, l. 25, *after* Lands *instead of* or *read* and. p. 268, l. 52, *instead of* Persons *read* Prisoners. p. 273, *last* l. *read* Moiety of all. p. 275, l. 13, after the Word *aforesaid*, insert, *as the Writ aforesaid requires*. p. 285, l. 48, *after* Complaints *insert* of Servants. p. 286, l. 36, *after* Church-wardens *insert* at the Common Law. p. 289, l. 15, *instead of* unaway *read* Runaway. p. 291, l. 34. *for* done *read* due. p. 294, l. 28, *instead of* respectively 1 -- 1 -- *insert* respectively the same. p. 302, l. 39, *instead of* Vice-Admiral *read* Vice-Admiralty. p. 304, l. 9, *strike out* Nine. p. 304, l. 35 *after* Person *insert* and for removing him or her. p. 306, l. 11, *for* passing of *read* Commencement of. p. 307, l. 23, *after* claiming *insert* such Entry. p. 312, l. 24, *for* suffered *read* suffer. p. 313, l. 3, *after* Person *insert* shall have published his, or her, Intention of going out of this Colony, three Times at least, in the *Virginia*-Gazette, or. p. 315, l. 7, *for* whatsoever *read* concern'd. ditto, l. 30, *for* People *read* Staple. p. 325, l. 19, *for* Passage *read* Pier-head. p. 327, l. 44, *strike out* King. p. 330, l. 38, *after* Sum *insert* or Value. p. 333, l. 13, *for* joining *read* join any. p. 335, l. 47, *for* compellable *read* compelled. p. 341, l. 9, *after* Vessel *strike out* or. p. 351, l. 14, *for* adjugded *read* adjudged. p. 357, l. 35, *read* Punishment. ditto, l. 42, *strike out the Words*, and shall suffer Death without Benefit of Clergy. p. 364, l. 28, *for* *Anc At* read *An Act*. p. 373, l. 52, *for* from whom *read* for whom.